

INQUISITIO NOVA,

ET

Inter Evangelicos hactenus inauditi;

OR,

A Just and True NARRATIVE, of the unjust and illegal Process raised and pursued against Mr. H. C. Minister of the Gospel at K. by the Presbytery and Synod of D.

Wherein the Injustice, together with the utmost Evidence of the Untruth and Falshood of that which is pretended as the ground of the said Process, is evidently demonstrate from Scripture, Reason, Acts of General Councils and Assemblies, the known and every where commended Laws, Acts and Statutes, both of this and other Kingdoms; the constant Forms of Process in all Church-Judicatories, especially in the Church of Scotland. And

Upon every Head

From sundry Testimonies of most Learned Divines, Protestant and Popish, Presbyterian and Prelatick, which ever were in Europe.

Published by the said Mr. C.

For the Vindication of oppressed Truth and Innocence, the Information and Satisfaction of many not a little surprized with the News of the said Process.

Vincit qui patitur. Psal 37. 5, 6, 7. and 40. 1, 2, 3, 4.

Cum impius laudatur divini numinis laudatur hostis, quod est satius impudentissimum; cum vero justus vituperatur amicus Dei probus afficitur, quod similiter est crimen celestissimum; ideoq; oportet antiquam sententiam, de hominum moribus aut vita servamus; illam fassa diligenter expendere, ne temerario acceperimus iudicio, Divinam in nos provocamus iram.

Olorius Operum tom 3. pag. 810. Mat. 7. 1, 2.

עוֹרֵי סֵפֶר יְהוָה קִטְוֵה עֲשֵׂה וְאֵלֶּיךָ

Printed at London, 1698.



Unto the Right Honourable

My LORD CHANCELLOUR,
and Remanent Lords ; Members of His
Majesty's Most Honourable Privy Council
in Scotland.

AMongst all Orthodox Divines it is (much Honoured and truly Noble) the received, and most rationally defended, Principle, that the Supreme Magistrate is, *utriusque tabula, & ecclesiastica* ἐνταξίας custos. And *Arist. apud Wendelin, Christ. Theol. lib. 1. cap. 9. p. 781.* says, that he is τὸ δικάζει & τὸ ἰσχυρίζεται. And so that he, as such, hath not only a private and discretive Judgment, about Matters and Sentences Ecclesiastick, but also, that as in Civil Things, he hath a Regal and Judicial Knowledge, *tum juris, tum facti*; so also when he is to judg and punish a Minister, or Church-Judicatory, acting not only contrary to the Laws of his Kingdom, but also to the Word of God, and their own received Principles, he is to cognosce and judg of the same Cause, *Cognitione regali, judiciali ac definitiva*, with respect both to the Major and Minor Proposition; seeing he is therein to act not as a Man or Christian only, but also *ex officio, & ut Rex in illud ipsum a Deo Opt. Max. institutus*. A King, as King, having such a Care and Inspection of Matters Ecclesiastick committed to him. And thus the end of Regal Power, is not only outward Peace and temporary Felicity, but also Godliness and Everlasting Life; he being obliged *virtute Officii*, to do whatever may conduce for promoting his Own and his Subjects, their, Salvation; *modo tamen regali, ac Coactivo, Rom. 13. 3, 4. 1 Tim. 2. 2. 1 Pet. 2. 13, 14. 1 Chron. 19. 6. Psal. 82. 1, 3, 4.* And

Consequently that they speak too diminutively of the Power and Honour of Magistracy, who deny that it is given of God, as a means of his appointment, to help Men as Christians to Heaven, or to promote the glorious end of the Gospel; but only to Men, as Men, or to advance their Secular Peace and Grandeur, such Positions being most unsuitable both to the Scriptures cited, and also to *Psal. 2. 10, 11, 12. and 71. 10. Isa. 49. 23. Rev. 21. 16. and 11. 15. Prov. 8. 15, 16.* These Truths long before our days were asserted by *Theodoret, Hist. Eccl. l. 1. c. 19. pag. 286. Athanas. Operum Tom. 1. pag. 677. Socrat. Eccl. Hist. l. 5. c. 10. pag. 245. Niceph. Hist. l. 8. c. 1. Calvin in 1^o lim. 2. 2. Pelicanus ibid. Appollon. de jure Mag. sect. 1. cap. 1. pag. 4. Macov. Colleg. Theol. Colleg. 5. pag. 330. Pareus in Rom. 13. dub. 5. a pag. 1088. Fusa hanc probat sententiam. Et pag. 1097. hac habet verba. Quis non intelligit imperatoria esse potestatis non modo, orthodoxam fidem, promulgare, imperare, tueri, sed & Episcopos in ordinem cogere, idque non tantum ex zelo & pietate, sed & etiam ex officio & imperio.* So also *Pol. Synt. l. 1. c. 45. p. 535, 536, 537. Et Turr. Theol. El. Tom. 3. dum de Mag.* He takes care politically that Matters Ecclesiastick be duly managed by Church-Officers; yea, he hath a Coactive punitive Power, formally Politick, in reference to all Things and Persons under his Jurisdiction. *Jus Reg. Eccl. And Pol. ibid. l. 7. c. 14. p. 1763. Just. Novel. 6. Greg. Naz. in Conc. Naz. dixit Magistratum civilem χερσὶ σὺνᾶρχων ἔχειν καὶ χερσὶ σὺνδουλῶν.* *Wall. oper. tom. 2. fol. 12. col. 1. And Ruth. Due Right, &c. de Potest. Mag. Prop. 4. c. 6. p. 460. says, In case that a Party prevail so far as to make wicked Deerees in the Church, then the King, as Nurse-Father, & qua Rex, may, and ought to hinder the execution of these Decrees, punish them who made them, and discharge Obedience thereunto, under the pain of the Sword. Gilespe Aron's Rod, l. 2. c. 3. p. 174. says, Presbyteries are subject to the Coercive Power of the Magistrate, and are by him to be kept within the bounds of their Calling and compelled to do their Duty, according to the Word of God and their own received*

Principles — And if they shall censure the Innocent, and absolve the Guilty, &c. When there is no Ecclesiastick Remedy, then may the Supreme Magistrate immediately suppress Tyranny, and restrain such Defection, & l. 2. c. 3. p. 183.

But so it is, That the Supreme Magistrate cannot know, much less, restrain and suppress, or punish, the illegal, disorderly or cruel Practices of P. and S. contrary to the Word of God, the known Principles of Presbyterians, and Laws of the Kingdom, unless the Persons so injured do represent the same unto the Supreme Power, or such as are by him entrusted, and commissioned *in hunc effectum*; which is not only allowed to be done, by the fore-cited Authors, but more expressly by Beza, in *lib. suo cont. Eras.* where he says, *Quum etiam a recte constituto consistorio possit reis injuria fieri, Christianus Magistratus, ut utriusque tabula & ecclesiastica vtriusque custos ac vindex prospicere potest, in catibus ecclesiasticis, facta correctionem, & iniqua sententia lata, executionem impedire.* Calvin, in *verbis Appello Casarem, Act. 25.* Quare & nos si quando similis, contingat necessitas superstitiosos esse non oportet, quin a legibus ordine, & politico opem petamus. Et Brent. *ibid.* Christiano licet ex fide uti politicis ordinationibus & auxilium improbare judicis, non solum in Respondendo sed & in Accusando.

Yea, Wallens *operum part. 1. p. 517.* says, *Nos quoque fatemur fieri posse ut injuria manifesta afficiatur subditus, in foro ecclesiastico & superius non sit, vel & ibi etiam, injusta pronuncietur sententia, tum Magistratus ex Officio, posse & debere ejusmodi hominis, audire querelas & sententiam excommunicationis impedire donec, res plenius, vel ab eodem Synedrio, vel ab aliis examinetur ut videmus Constantinum in causa Athanasii & Saxonem, in causa Lutheri fecisse.*

And sad Experience proves to the full, in our as well as in former Times, that Truth and Innocence may suffer in some respects more bitterly, by the Ignorance, Pride and Cruelty of Church-men, under a Godly King, than they did by others, under Princes of a worse Character. Hence David (as Moller. in *Psal. 55. 12, 13.*) *Suam exaggerat calamitatem, & injurie atro-*

atrocitatem a perfidia perfidorum amicorum, to be wounded in the House of a Man's Friends, and to have Mother's Children dealing unjustly and bitterly, is most pressing upon all ingenuous Spirits. Hence even *Sophocles* could say, *αδὲν μέγαν ἔλατο ἢ φίλον ἀδικᾶν*. Good Kings may do much to redress Injuries done to the Innocent (whereupon they indeed deserve to be by all accounted *בְּנֵי אֱמֻנָה* or *בְּנֵי אֱמֻנָה* Sons of Courage, and Sons of Nobles, acting valiantly for the Lord, *2 Chron. 19. 6, 7. Psal. 12. 5.* while *iniqui sunt iudices qui non curant vindicare eos quibus fit injuria*, *Rav. Bib. Sac. part. 1. p. 851. Et Calv. in Act. 18. 14, 15, 16, 17. pag. mihi 626.*) But in the best of Times, the best of Kings cannot prevent all Cruelties and Oppressions. Hence Learned Men have complained, *Quod unitas fidei, ac iustitia perfidia & ambitione Episcoporum, aequae sub imperatoribus orthodoxis, Constantino, Theodosio, Martino, &c. ac sub Arianis, Constantio, Constante, Valentino, &c. miserrime, lacerata & pessundata fuit. Par. in Rom. 13. dub. 5. p. 1101.* Unjust Sentences, vile Calumnies, bloody Oppression, and damnable Oaths, without warrant in Matter or Form from the Word of God, Law of the Kingdom, and Determinations of all Learned Men, I say, any or all these, are not one whit less, whatever more atrocious they be in themselves, distressing and sadly gravaminous to others, by their being past, done, connived at, or pressed upon Christians and Subjects, by a Presbitery, and the Plurality of a Synod in a time of outward Peace, and under the mild Government of a Most Magnanimous Prince, who hath, and yet continues gloriously to venture his A L L, to deliver the Nations from such abominable Soul-perplexing, and Soul-ruining Trash.

Hence *August. in Psal. 2. Quomodo reges Domino servant in timore, nisi ea quae contra Domini iussa sunt, religiosa severitate, prohibendo atque plectendo. In hoc Deo inserviunt reges, si in regno suo, bona jubeant & mala prohibeant, non solum quae pertinent ad humanam societatem, verum etiam quae ad divinam spectant religionem: Aug. cont. Cresc. Gram. l. 3. c. 51. Vid. Dav. in Coloss. p. 388. Et Rav. Bib. Sac. part. 1. p. 7. & 442. Iniqui seu mali sunt Magistratus,*

gistratus, qui nolunt cognoscere, de causis, qua Dei cultum concernunt, existimantes eas tantum causas, ad se pertinere, qua posteriorem legis spectant tabulam. And,

Therefore since that I, Mr. H. C. Minister of the Gospel at K. have so much ground, with much grief and bitterness of Spirit, to cry out aloud to God and Man, of dreadful and unparalleled cruel Oppressions, unjust Sentences, as well as a deaf Ear given to my heavy Complaints, by the P. and part of the R. S. of D. And since it hath pleased the great God of Heaven and Earth, gloriously to exalt, and in the multitudes of imminent Dangers, powerfully and graciously to preserve our Sovereign Lord King WILLIAM on the Throne of Great Britain, to be a compassionate Reliever of the Oppressed, and also specially to commissionate and entrust, Your Honours, My Lord Chancellour and Remanent Noble Lords, in His Majesty's Name and Authority, to see the Laws of this Kingdom, as well as those of the Kingdom of our Lord Jesus therein established, put in full execution, for preventing and redressing of the fore-mentioned or any such Evils: And since it is no ways repugnant unto, but very consistent with Sound and Orthodox Principles, for Christians injured by the illegal Procedures, and unjust Sentences of P. or S. even in Matters purely Ecclesiastick, and much more if in these, which are partly Civil (as well as Sacred) both *sua natura & in consequentiis necessariis*, to complain to the Supreme Magistrate, for Redress as well as Relief. Therefore,

I the said Mr. C. do hereby, in all Humility, by this little Book, briefly represent unto you, My Most Noble Lords, some of the many Injuries, which I and my Family have groaned under, and are threatned with, from the P. and part of the R. S. of D. And so with full confidence of your Lordships benign acceptation and return, I do hereby intirely prostrate my Self, my Cause, and this most true Narratjon thereof, at the Footstool of his Sacred Majesty, and of Your Honours, His Most Noble Coucellours, for relief, redress and protection, in the

the way, manner and time which your Lordships shall judge most expedient; pleading for nothing but what the Law of God, Laws of this and other Kingdoms, Acts of General Councils and Assemblies, with the known and constant Forms of Process, in all Judicatories within this Church and Nation, do allow the meanest Subject and Member. And so with all my Soul commending His Sacred Person, Government and Undertakings (as I have ever publicly done since the glad News of His Majesty's Happy Arrival on the British Shore) and you also, His Most Honourable Councillours, to the Direction, Protection and everlasting Blessings of the everliving God and King of *Zion*. I am,

May it please Your Honours,

Your Lordships Most Obedient

and Most Faithful, tho very much oppressed,

Servant and Supplicant,

H. C.

A True Narrative of the most unjust Process raised against Mr. H. C. &c.

INTRODUCTION.

1. **A** Man under the believing, fixed, and so Soul over-awing Impressions of the greatness, ever, and all-over-ruling Power of God, with whom he is chiefly concerned in all Things, in Time and to Eternity, cannot go far till he meet with some edifying Instructions from Providential Occurrences: The Motions and Actions of Creatures, tho never so casual or spontaneous in themselves, are believingly considered, as arising from, sent by an higher Power, and moving exactly according to the most justly unquarrelable, as well as altogether immutable Determination of Him, before whom, *Isa* 40. 17. and who *Dan*. 4. 34. 35. *Eph*. 1. 11. And this not without some special Messages to the Soul observant. *Presentemque refert qualibet Herba Deum.*

2. All the Difficulty lies in reconciling the powerfully predeterminating and all over-ruling Influence, with the Contingency and Freedom of voluntary Agents, and how notwithstanding thereof to vindicate him, *who is glorious in Holiness, &c* *Exod*. 15. 11. from being accessory unto, and really stained with the sinful Mismanagements, and open Rebellions of Angels and Men. Which Difficulty is most solidly removed by *Aug. Brad. Calvin, Beza, Twisse, and Rutherford*, all which may most deservedly be accounted Stars of the first Magnitude, in the Churches of Christ in their Generations. Yet,

3. It's not easy practically, not only to vindicate but also reverently to adore and humbly to submit unto the Divine Majesty as doing that which is Just, Holy, Right, and Good, even in these Actions, wherein the Injustice, Impiety and Malice of Men, do convincingly appear: they may upon Shoar draw many excellent Draughts, Directions, and Rules, how others may accomplish a prosperous Voyage, through the *Atlantick Ocean*, who when in a Sea-storm themselves, may be forced to quit their

Chart, Compass, Quadrant and all, as if they had never heard of that excellent Art. And so it cannot but necessarily be,

4. A peice of Divine Fortitude in *Job*, when in the midst of a most fearful Storm, he actually sees, acknowledges, humbly stoops unto, and reverently adores his Master's hand. *Job* 1. 21, 22. and 2. 10, 11. These Places are excellently explained, by *Mercer*, *Merlin*, *Oforius*, *Caryl*, and *Hutcheson*. *David*, was intirely influenced by the same Spirit when forced to flee for his Life, by his Unnatural Son and Rebellious Subjects, and assaulted with fearful Reproaches, and tremendous Curses from *Shimei*, yet even then he says, 1 *Sam.* 15. 25, 26. and 2 *Sam.* 16. 11. *Let him alone, the Lord hath bidden him curse.* Which place is excellently explained, by *Brad. de causa Dei*, p. 550. and *Rush. de Prov.* c 20. p. 262. and by *Cajetan in loc.*

5. Yet we may be assured that such a believing, humbled, praying frame of Spirit, is no less than the more than ordinary, yet graciously covenanted assistance, which our Merciful God, in a Redeemer hath secured unto his People, in all their more than ordinary Straits, *Isa.* 43. 1, 3. Which I hereby attest from my own Experience, to the Glory of his ever rich and free Grace, under all the Clouds of impious Reproaches, bloody Contrivances, and illegal Sentences cast upon and past against me, since *July 1696*: whereof I think my self obliged to give this following account to the World. And that,

CHAP. I.

1. **A**mongst all the abominable Lies made of me, while last Summer detained at *E.* about my necessary Affairs; (for some put it through the Countrey that I had murdered my self; others said they saw me hurried into Prison, and then invented five or six various Reasons why I was thus treated at *E.* &c.) Yet none so afflicting, as that told me there by *Mr. W. E.* viz. That *E. D.* had brought forth a Child, which was generally said in the Countrey to be mine.

2. Tho I did with the greatest Truth and Justice imaginable, assure him of my Innocence, and endeavour to comfort my self, with the Testimony of my own Conscience; yet did I to him resent the Carriage of some of our own, and of the Neighbouring *P.* as having *viis & modis* contributed too much to the giving of Being and Life to that vile Calumny, especially the *M. of T.* by his not sending back that Whore to *K.* tymiously to be tried there, notwithstanding that I had sent and written
thrice.

thrice to him for that effect, in *March* and *April* last. Contrary to *Method of Proceed. chap. 2. sect. 6. num. 19.* Yea instead of sending her to the Session where she offended to be tried; they call, cite and examine her by a Session and Presbitery altogether out of the Bounds. Thus fore-
flowing her Tryal, and openly casting Reflections upon the Session to whom alone, *prima instantia*, that Affair did belong. And

3. Albeit at first I sometimes thought it below me to be concerned with such a vile Calumny, minding what *Calvin* says, *Traict. var. part. 1. p. 113. Neque enim Christi servus, minus sinistros contemnere necesse est rumores; quam ab inanis gloria aucupius esse alienos.* And the common Saying, *Conscientia mens recti, fame mendacia ridet.* *Plurime injuria contemnendo in nihilum abeunt pastori itaque qui vult omnia, de se malevole dicta cognoscere, multa etiam ignoscere oportet.* *Bowls Past. Evang. l. 1. c. 4. p. 36.* Yet considering what *Calvin*, in *1 Tim. 5. 19.* says, viz. That no sooner doth a Calumny against a Minister arise, but Satan stirs up the most part of Men, and even those who should defend him, without any Enquiry, greedily to condemn him as guilty. And also how afflicting this Report, tho most false, would on many accounts be to all the People of God, and to my Godly Friends and Relations, &c. I was now and then like to be wholly therewith overwhelmed.

4. Then did I experimentally find the Truth of that, *Psal. 69. 20. Reproach hath broken my Heart, &c. Dolore intollirando discrucior,* says *Osor. in loc.* Neither can I better tell my Case than in the words of *Moller. in Psal. 69. p. 595. Etsi enim sciebat David se nihil horum admisse, que ab adversariis sibi objicebantur, seque conscientia testimonio sustentabat, dolebat tamen talia de se spargi in populo Dei; in quo multi imbecilliores, vel Auctoritate hostium moti, vel sua credulitate decepti fidem habebant dictis.* So that I cannot wholly approve of that Saying,

*Falsus honor juvat & mendax infamia terret,
Quem nisi mendosum aut mendacem.* Which

5. Will farther appear from *Psal. 55. 3, 4, 5, 6, 7, &c.* Yet there are two Scriptures which were very comfortable to me, *Psal. 64. 7, 8, 9. and Phil. 4. 6, 7.* And therefore Prayer, which hath ever helped me, was singularly useful to me in this almost over-whelming Distress: So as in my going out and in about my urgent Affairs, I was now and then endeavouring Ejaculatory, to hold up my Straits to God. Minding what *Aug.* says, *Si desiderium tuum est perpetuum oratio tua quoque est perpetua.* And being at Morning and Evening Prayer, I was thus

INQUISITIO NOVA,

come even to his Seat, and then and there helped of God to fill my Mouth with Arguments, to plead with himself, for his gracious support under, and in end glorious Deliverance from this Strefs. I was made sometimes to say with *Flavell*, in his *Compass*,

*Tho tost in greatest Storms I will not fear,
Since Christ doth sit at Helm to guide and steer;
Storms are the Triumphs of his Skill and Art,
He cannot shut his Eyes, nor change his Heart:
Unto his Wisdom then I will commit the Reins,
And not with Cares perplex or vex my Brains. And so,*

6. Sometimes to say with *Luther*, *Hac nubecula transiet*: And whatever be the way of Divine Providences with me, yet the Event should be as it is recorded *Deut.* 8. 2, 16. *Rom.* 82. 8. whereupon twenty years since I have been sometimes made to say, *Quodcunque volui habui, vel melius aliquid pro eo.* And so give *Augustin's* Advice to all the Godly in their Straits, *Quod fideliter supplicans Deo pro necessitatibus hujus vite, & misericorditer auditur, & misericorditer non auditur; quidem infirmo sit utile, magis novit medicus quam egrotus, ideoque nolite dubitare de oratione vestra, sed scitote quod quando verbum per os erumpit, tunc oratio vestra scripta est in oculis Dei, & aut fiet quod petitur, aut non expedit fieri.* See *Moller.* in *Psal.* p. 1367. I confess if we had the carving out of our Lot to Heaven, it would not be in the ordinary Road, *Act.* 14. 22. See *Calv.* on *Mat.* 16. 22. and in *Act.* 1. 6. Yet there is not any Cross which,

7. We would sooner scrape out of the way to Heaven, than Reproach and altogether undeserved Calumnies, *Psal.* 42. 3, 10. and 55. 4, 5. and 64. 2. and 69. *Plut. apud Moller.* in *Psal.* p. 705. says. Men are more affected, *Contumeliis quam verboribus aut ullis aliis injuriis*, because they center upon the Mind; but Stroaks, &c. are parted betwixt it and the Body. Yet,

*Nunquam bella bonis, nunquam discrimina desunt,
Et quocum certet mens pia semper habet.*

8. *Carthage* was preserved from total ruin of old, that it might be a Whetstone to the Roman Gallantry. See also *Judg.* 3. 1, 2, 3, 4. So that this great and gracious Lord manifests his infinite Power and Knowledge, by carrying on the good and welfare of his People, even by these very acts of Providences that are most crushing in themselves, and loathsome to
our

our Spirits, *Psal.* 40. 1, 2, 3, &c. and 66. 9, 10, 11. and 91. 14, 15, 16. *Exod.* 14. with chap. 15. 1, 2, &c. *Job* 6. 7, 14, 15. and 19. 3, 7, 9, 10, 13, 14, 15, 18, 19. compared with Chap. 42. 7, 8, 9, 10. *Jam.* 4. 11. Hence *Cyprian de Simp. Cler. Non nostro sed Dei arbitrio, eligenda sunt iustitia exercitamenta.* To this purpose Holy Mr. A.S. said to a quarrelling Christian in his Master's Name.

*I'll answer thee, thou art the Clay, I must the Potter be ;
I'll take thee such a way to Life, as best becometh me.
I'll answer thee, that to thy self a God thou must not be ;
But I will teach thee well to know my Sovereignty.*

9. Nothing less than Divine Power backing such Considerations could have supported my Soul under the sad Things which I have been, and yet am tristed with, which when they first brake in upon me, I resolved instantly to return home from *Edenb.* in July 96, that so if possible I might quench that unhollowed Flame : but finding it utterly impossible, at least for some few days to leave my Businesses, sundry of them being in present Agitation before the Lords, and some Arbitrators ; I thought it most expedient to send a Letter to my Brethren for their Information and Satisfaction in the Affair, not knowing any thing of the Hatred and Malice that it seems had been for a considerable time, before now, working in some of their Bosoms.

The Conclusion of that Letter (for I need not write it all) is, *By all which it is most evident that they must be most Malicious and highly Uncharitable, to say no worse, who would slander me, as the Father of that Brat, yet for the Glory of God, the Vindication of my own Innocency, and of the Sacred Character, wherewith I am honoured, for the quieting and satisfying of the Spirits of my R. and D. Brethren, and of other Godly Friends, and for the stopping of the Mouths of Adversaries ; I shall in the same (if not more solemn) Terms, wherein I did ever administrate such an Oath, purge my self.* And therefore I say,

I Mr. H. C. Minister of the Gospel at K. do declare, as in the sight and presence of the ever-living God, the searcher of Hearts and tryar of the Reins, who also is a swift Witness against, and terrible Judg, unto Idolaters, Adulterers, Whoremongers, Perjured and impenitent Persons, That I am not the Father of that Bastard laid to my charge, and lately brought forth in T. by E. D. neither from the beginning of my Being, to this very Minute, had I ever any such carnal dealing or converse

verse with the said *E.* or any Woman else in the World, excepting my own Wife; all which I assert, attest, and swear to be of Verity, as before the Eternal God, and as I shall answer to him in the great and terrible Day of the Lord wherein he will judg the World in Righteousness. And (now I add) *all these Words I take in their ordinary Signification, without the least Equivocation or Mental Reservation.* And for more Verification, I Subscribe this my solemn Oath with my Hand at *E.* the 6th of July, 1696. *H. C.*

R. B. I desire that this free and full Vindication may, if ye think it convenient, be insert and registrate in your Minutes, and as publickly intimate as ye shall judg necessary. And if the Lord will I shall judicially own it at my return. By all which,

11. The World may see, that by this Letter I only designed the private Satisfaction of my Friends in the Country, and did intirely leave the Registration, and Publication thereof to the pleasure and discretion of my Brethren, for the quieting of their own and other Mens Minds, till I should return.

CHAP. II.

1. **W**HEN I returned Home, I found my Godly Wife (about whose Case I had been chiefly anxious at *E.*) in very good Condition, both of body and mind, she being helped of the Lord with more than ordinary Fortitude (tho now big with Child) to disdain and undervalue all the reproaches cast upon me, as being fully perswaded of my innocency, for which I hold my self ever obliged to praise and exalt God; who did thus wonderful disappoint my Fears; who was many times assaulted at *E.* with sad apprehensions that this Affliction would either kill or crush her in my absence: but he is a present help in the time of need; *Deut.* 4. 7. *Psal.* 46. 1. and 145. 18. *Deut.* 33. 27. *Psal.* 124. 1, 2, 3, &c. Nothing but Everlasting Arms could have born up under such heavy Pressures.

2. *Quo circa in ejus acquiescendum est voluntate, qui in mediis erumnis nos dulci refocillat quiete; D. Morn. Confid. vit. & mort. p. 58. Videatur etiam de Relig. Ch. c. 13. p. 189. Moller. in Psal. 124. And Ofor. ibid.* But when I returned Home, I found that not one of my *R.* Brethren, had in all that time, visited either my Wife or People, tho sundry of them had promised to do both; and that they had been so far from quenching and endeavouring to defend me against, that some of them,

especially Mr. R. P. and Mr. W. E. had vented and spread, base Calumnies of me themselves, which made me reason the matter a little warmly, with Mr. P. in D. upon Aug. 4. and desired to know the time of the next Presbitery, at which I desired he might write to all Members to be present, for I had somewhat of importance to communicate to them.

3. Upon Aug. 5. when I returned home I took Sickness, and for ten days was scarce able to rise out of my Bed, by which my appearing at the next P. was prevented. And tho I had written to Mr. R. B. in April last, to secure E. D. in Prison till she found caution to return and satisfy for her vile Scandal in this Parish; yet is there nothing done till Aug. thereafter, 1696. and then is she sent not to the Parish where she offended but to D. P. *Cent. 10 Meth. of Proceed. c. 2. sect. 6. num. 5, 6, 19. and c. 3. sect. 10. num. 7. and sect. 11. num. 1. P. 52.* And while at D. altho that she had before,

4 Both at the Birth of her Bastard, and before the Session of T. and P. of K. with solemn Imprecations (as the manner is) and Asseverations, given her Brat to a man whom she met at the Kirkhouse, and sometimes to a Stranger that was one Night in my House, while I was at E. yet being told that her being secured was upon my Letter; and some of the Ministers threatening her which the Thieves-hole, and others of them (as she told to R. G. and E. M.) assuring her that it was but needless for her to deny, for I had confessed; and thereupon she, acted by Satan, and enduced by their threats and fraud lays that vile Guilt to my charge, for which she's presently provided with Meat, Drink and Lodging to her self and her Brat, and so entertained ever since, not Imprisoned, and threatned to be scourged as was D. Arthur's Daughter the other day for telling Stories of A. C. of Arbig.

5. Mr. P. writes presently a Letter to me, that there was a meeting *pro re Nata*, to be Aug. 11. but I being affixed to my Bed by Sickness, could not be there, and so sent them my Letter of excuse, which was delivered to them and read judicially, wherein I signified that I had appeared if I had been able, and fearing that my Sickness might have been unto Death, I did therein declare my adherence unto the forementioned Oath, entreating that they might record and intimate the same, for my Vindication. But,

6. Notwithstanding of all this, they did suspend me from the exercise of my Ministry, and ordered Mr. R. P. to come and intimate the same Aug. 16. Which he accordingly did, Lecturing upon *Psal. 25. 1, 2, 3.* And Preaching upon *Psal. 119. 165.* And after he had done, I delivered:

vered publickly the following Discourse occasioned by that days work, and afterward by me committed to writing.

7. I Bless the Lord that I was able to come out this day ; for these ten days last past I have not been so long at once out of my Bed, as I have been this Morning, and I cannot but commend the great part of what my R. B. hath said, both in Lecture and Preaching, the Truths delivered by him have been refreshing to my Soul and are indeed very fit to give ease of Spirit, from the Evils and Sorrows under which I groan.

8. There is one thing very remarkable concerning this 25th Psalm, which I cannot but mention ; upon the 20th of Decemb. 75. while I was Chaplain to the Honourable and Ancient Baron of L. at Penstone, being in great distress and trouble of mind, after Prayer, providentially in my Chamber I fell to read this Psalm, which was so powerfully carried in upon my Soul by the Spirit of God, that every Sentence was like Oil poured into a Wound, whereupon I wrote down in the Margin of my Bible, Decemb. 20. 75. *I was verbatim comforted, by this 25th Psalm.*

9. I cannot but remark one thing in the Exposition of the 3d ver. the scope whereof is not to shew what will come upon them who offend against God immediatly without cause (as was asserted) ; but its the Prayer of the Godly Man, wherein he lets us see, that the great design of his Enemies was to bring Shame on him, and all that waited upon God ; which he not only prays may be prevented, but also that this Shame may come upon themselves, who thus offended him without any just Provocation : I mention this because it comes so near my case, and would seem so to be of purpose past over at this occasion, by my R. B.

10. I am heartily sorry, that any should have taken so much occasion both to offend me, and offend at me, without any just cause, for I may say whatever be my Infirmities and many Failings in all Duties, as well as in my ordinary Conversation (for which I desire to be deeply humbled in the Sight of the Lord) yet these Nine Years past I have endeavoured with much plainness, to instruct this People both publickly and privately. And I do this day appeal to the Consciences of my greatest Enemies, if during all this time they ever either heard or saw me speak one immodest word, or act any thing unbecoming a Minister of the Gospel, and yet how I am treated by some, their own Consciences and God's Righteous Judgments may afterwards declare. I heartily wish, that God in Mercy may prevent, what they thus deserve, confounding Shame and Disgrace, for their offending of, and offending me, without any just Provocation ; for this ver. is a Prophecy as well as a Prayer.

11. As for the Doctrine from *Psal.* 119. 165. I wish it might have some blessed effect and fruit upon all who heard it. It seems God would have you to mind in earnest, this great business of Peace and Reconciliation with himself, in a Redeemer: I am afraid that this highly provoked Lord is about to bring some desolating Stroaks, upon this back-slidden, ungrateful perfidious Age, and especially, upon this Corner and Countrey-side, which hitherto hath been in Peace, when others have had much trouble.

12. He is thereupon in Mercy, I hope some, offering, yea doubling the offers of Peace, that we may ponder what he is saying, what our need is, and how dangerous in end it will be to slight reiterate Offers of Peace with, and Reconciliation unto himself. Ye know -

13. I was this day Fortnight (being sick last Lords day) shewing unto yon from *Rom.* 5. 1. the nature, excellency and true marks of that Peace with God, which a justified Party have an interest in; and was telling you that it is not like the Worlds Peace, which comes and goes with temporary things; but being bottomed upon, and arising from the removal of God's Wrath, the Pardon of Sin, intimation of God's Love and Mercy, to a troubled Soul in a Redeemer; it guards and supports the Man that hath it, in the midst of greatest Storms. *Phil.* 4. 7. *1 Sam.* 30. 6. *Hab.* 3. 16, 17. *1 Pet.* 1. 7, 8. *Rom.* 5. 1, 2, 3. So that the Person thus honoured, stands fixed like a Rock in the midst of all the fearful blasts of Adversity.

14. And I desire ever to bless God, this day I am a most conspicuous Instance, and standing Monument to bear Testimony from my own experience of this excellent Truth, In the Sight of God, Angels and Men. I believe since *Scotland* was a Church or Nation, there was never Man, Minister or Christian assaulted with such a fearful Multitude of Lies, vile Reproaches, and malicious Actings as I am, and yet ever praised and highly exalted, be the great God of Heaven, and Earth, whose I am; before whom I stand, and whom by His rich Grace, I have in sincerity of Soul, endeavoured (tho with many Infirmities) to serve, in the Gospel of His Son, these 20 Years last past. The fence of his approbation and favour, the Testimony of my own Conscience, and Innocency before God and Man, as to these things, wherewith I am most impiously slandered, do so support my Soul, amidst all these surprising Storms, wherewith I am assaulted, from ignorant, malicious and cruel Men, that in relation to my self, were it not that thereby God is dishonoured, good Men grieved, and the Mouths of ungodly Men opened; I would value them no more than so many insolent barkings of unmannerly Curs.

15. He who hath the munition of Rocks for his defence, shall dwell on high, far out of the reach of his most potent, most cunning and most cruel Adversary. My R. B. hath read you one Paper, and least I be mistaken or misrepresented, by ignorant or invidious Persons, I shall read you another; only now I add what Cyprian says, *de Simplic. Prelat. Triticum non rapit ventus, nec arborem solida radice fundatam procella subvertit: inanes palea tempestate jactantur, & invalide arbores turbinis incursione evertuntur.* But all my Strength is borrowed from, and entirely dependent upon our Lord Jesus.

Mr. H. C. Minister of the Gospel at K. his Appeal from the Sentence past against him, on Aug. 11. 96. by the P. of D. unto the R. R. S. of D. to meet there, Octob. 13. 96.

R. B. The word of God doth expressly require, That no Sentence be past against any Man till he be judicially heard; and so must be *Cited* by and compear before, a number competent to judg, according to the nature of the Crime or Offence laid to his Charge: and hence it is that the Supream Judicatories of the Church and Nation are at so great pains to determine, who, and what Number of Men, shall legally cognosce and finally determine in such and such Offences.

16. The Party competent to judg in the Admission, Transportation, Suspension or Deposition of a Minister, are all the Brethren of that Class judicially required to be present, *in hunc effectum*: And in case of their paucity, weakness, or weight and intricacy of the Affair, neighbouring Classes would be addressed, for assisting Correspondents. When these Judges are thus met, they are *peremptorie* required, not to receive an Accusation, much less to pass Sentence against any Elder, but at the Mouth of two or three Witnesses, against whom neither Judges nor Judged have any lawful Objection.

17. But none of all these have been observed towards me: For, 1. I was never once cited to compear, much less three several times, with subscribed Executions thereupon returned. 2. They knew that I would have appeared had I not been Sick, and this by a Line from me judicially read by them. 3. I was never once communed with on the matter, either by Word or Write, from this P. till this Sentence was past. 4. I am informed some Members were absent. 5. There were no Correspondents either

either sent for, or present.. 6. I have two valid Objections, against some present, why they should in no case be my Judges. *Chysistome*, and 42 more, refused to appear before the Council of *Chalcedon*, till some Persons, Enemies to him, &c. were removed out the Council, *Durb.* on *Scand. part. 4. cap. 13. p. 338.* 7. The Sentence is founded upon the meer Assertions of a notorious Strumpet, violently and fraudulently extorted (as she and others say) by her Examinators. 8. That her Bastard was born in *May 96*; and I can adduce sundry Witnesses of very gross presumptions of her Baseness, in *July* and *August 95*, what *A. M.* and *J. D.* of both which it can be proven by many Witnesses, *Quod solus erat cum sola, in suspecto loco, modo ac tempore.* According to *Meth. of Proc. c. 2. sect. 6. n. 8.* Upon all which,

18. I cannot but hereby protest against this Procedure of the R. P. of *D.* as highly Antiscriptural, expressly contrare, unto the common steps of Discipline established in this Church, extremely injurious both to me, and the People under my Charge (whose Heretors and Elders should have been cited and heard, before any Sentence had been past against their Minister) as a practical and open denying, both to them and me, the common Justice due to the Free Subjects of this Realm, and the known Privileges secured to the Members, especially the Ministers, of this National Church: And so a manifest perverting, and scandalous wresting of Presbytrial Power, yea an illegal and tyrannical exercising thereof, not to Edification but to Destruction. And so I am necessitate, and do actually hereby appeal from this R. P. in that whole Affair unto the R. R. the S. of *D.* to meet at that Town, *Octob. 13. 96*; and thereupon take Instruments, &c. Which I did in the hands of a Publick Notary, in the Face of this Congregation. *Sic Subscribitur. H. C.*

C H A P. III.

1. **Y**OU see by my Appeal that I complain of their Sentence as unjust, because past against me *uncited and unheard, &c.* That any Sentence thus past is unjust, will appear from many Particulars. And first from Scripture-Instances, of Sentences past both by God and Man, *Gen. 3. 9, &c.* and *11. 5, 6, 7.* and *18. 20, 21.* *Exod. 2. 23, 24, 25.* and *3. 7, 8.* *Psal. 14. 2, 3.* *Job 29. 16.* *Job. 7. 47, 48.* with *ver. 51.* *Opprobabat* (Bulling. in loc.) *sermonem illum principum palam mendacii redargui.* *Non sustinuit Necodemus veritatem opprimi* (Calv. in loc.) *Negat enim Christum damnandum donec auditus fuerit.* See also *Deut. 16. 18, 19, 20.* and *17.*

2, 4, 5. *Lev.* 13. 4, 5, 6, 7, 8. *Mat.* 25. 31, 32, 33, 34, &c. 2 *Cor.* 5. 10. Even bloody *Saul* cites and hears the Lord's Priests, before he pass Sentence, 1 *Sam.* 22. 9, 11, 12, &c. I might add many other Scriptures, but these are sufficient to prove, that no Person should be Sentenced, till they be cited and heard, if Men will regard what is recorded in the Word of God.

2. The Assembly, 1643, *Sess.* 2. *Overt.* 1. requires, That all Bills, where-anent all concerned are not lawfully cited, be rejected. And *Meth. of Proceed. in all Judicatories in the Church of Scotland cap. 1. sect. 5. num.* 17. tells the World, That in all Proceses, the Judicatory is to see that every Party and Person be duely sifted before them, by a *Legal summons Citation*, the Execution of which Citation is to be returned by the Beadle, and that three times before any Sentence, *ibid. num.* 18. and 20. and *chap. 3. sect. 8. num.* 5, 6. For which also he is to have a Warrant under the Clarks Hand. All which were observed in all the Proceses which I ever saw, or judged in; but all neglected by my Pursuers. Yet,

3. This is the common Form in the meanest Court in *Scotland*; so that no Sentence can be past in the smallest matter, without lawful Citation by competent Officers; yea Senences against Persons in absence, tho legally cited, are very ordinarily reduced. And according to the Law of this Kingdom, no Sentence should be past in any Church Judicatory, upon any Person whatsoever, till he be duely cited and fully heard in *causam suam*. This is materially done in all Acts establishing Presbyterian Government; which by its own intrinsic Rules, requires such Justice to be done to all Offenders. And also by these Acts, *Jam. 6. Par. 13. Act. 164. and Char. 2. Par. 1. Sess. 1. Act. 25.* but more especially by *Act. 87. Parl. 6. Jam. 1.* its statute, That a Church-man be cited by his Ordinary or his Officials, and the causes of his Citation must be delivered him with the Summons; and after the Execution of the said Summons, he hath Forty Days granted to appear and propound his Defences before Sentence pass against him. The Judg not observing this Form of Process against a Church-man, is condemned to satisfy the Complainer: Nay no Process is to be granted on the first Citation, before Inferiour Courts, but upon libelled Precepts, and Citation of fifteen Days, *Jam. 6. Par. 23. Act. 14. Car. 2. Par. 2. Sess. 3. Act. 16.* See also *Parl. 8. Jam. 6. Act. 132.* This Act requires, That no Minister be deprived of Office or Benefice, unless he be lawfully and orderly cited, tried and adjudged culpable by the Judg Ordinary.

4. *Rav. Bib. Sac. p. 1. p. 851.* Iniqui sunt iudices qui reos percutiunt & injuria efficiunt, etiam antequam ejus causa in judicio fuerit cognita; — boni iudices, non temere ferunt sententiam sed prius omnia quæ ad causam faciunt, diligenter inquirunt, *Deut. 13. 14. and 17. 4. and 14. 18. and 6. 3. and 11. 5. and 18. 21. Act. 12. 19.* Ideoque & reos ad causam dicendam, prius admittunt, & criminis admissi convincunt, quam in eos sententiam ferunt. *Gen. 3. 9, 10, 11, &c. and Gen. 4. 9, 10, 11. Jos. 7. 8. and 22. 13. Judg. 23. 14. Eadem fere habet Clariss. hic Author. ibid. par. 2. p. 492. and part. 1. p. 21.* Then,

5. *Leigh* in his *Body of Divinity, l. 7. c. 29. p. 813.* gives 6 Rules for executing Justice, all exactly contrare to what they have practised in their way with me.

6 Its actually supposed in the preceeding Acts of Parliament, That in case any Person be not thus orderly cited and sentenced by any Church-Judicatory, then the Lords of His Majesty's Most Honourable Privy Council, and Session, being complained unto, and they finding the said Process thus lame, are not only to refuse their Civil Concurrence, liberate the injured Person from any Civil Injury ensuing unto him, upon the illegally past Sentence; remit the said Affair to be recognised by the same, or rather a superior Church-Judicatory, as to what is therein purely Ecclesiastick; but also punish the said Judicatory civilly, according to the Demerits of their illegal Procedure: Which is also taught by some of the greatest Divines that ever professed the Protestant Religion in Europe. See the Authors in the *Epist. Ded. p. 4, 5. and Reness. Pref. lib. Wall. de Mun. Minist.*

7. All Protestants condemn the Sentences past against them by the Pope, or his Conclave, and other Popish Councils, as altogether null and utterly in and of themselves invalid, as for many Reasons, so also because they condemn the Protestants *inauditos & nullius erroris judicialiter convictos.* And so their Sentences, *Laborant defectu ordinis judicialis & pronunciata sunt, nulla premissa citatione cause cognitione, examinatione, ac legali convictione.* These are the very Words of famous *Polanus Synt. lib. 7. c. 18. p. 1758. and 1759.* And hence *Dav. in Col. 2. 23. p. 254.* says,

8. *Cæca obedientia mandatis superiorum ecclesiasticorum prestita est stulta, impia, ac irreligiosa;* for which he gives four Reasons, *nec hominibus obedire licet (inquit Cyp.) ubi voluntas hominum, non capit voluntatem Dei, Act. 5. 29.* And so it was, and that justly, accounted an intollerable Usurpation upon the Church of England's Privileges, for King James the 7th to erect a new High Commission Court, which ordered the Bp. of London to suspend Dr. *Sharp*, without citation; which the Bishop out of Conscience

2, 4, 5. *Lev.* 13. 4, 5, 6, 7, 8. *Mat.* 25. 31, 32, 33, 34, &c. 2 *Cor.* 5. 10. Even bloody *Saul* cites and hears the Lord's Priests, before he pass Sentence, 1 *Sam.* 22. 9, 11, 12, &c. I might add many other Scriptures, but these are sufficient to prove, that no Person should be Sentenced, till they be cited and heard, if Men will regard what is recorded in the Word of God.

2. The Assembly, 1643, *Sess.* 2. *Overt.* 1. requires, That all Bills, where-anent all concerned are not lawfully cited, be rejected. And *Meth. of Proceed. in all Judicatories in the Church of Scotland cap. 1. sect. 5. num.* 17. tells the World, That in all Processes, the Judicatory is to see that every Party and Person be duly sisted before them, by a *Legal ty-mous Citation*, the Execution of which Citation is to be returned by the Beadle, and that three times before any Sentence, *ibid. num.* 18. and 20. and *chap. 3. sect. 8. num.* 5, 6. For which also he is to have a Warrant under the Clarks Hand. All which were observed in all the Processes which I ever saw, or judged in; but all neglected by my Pursuers. Yet,

3. This is the common Form in the meanest Court in *Scotland*; so that no Sentence can be past in the smallest matter, without law-ful Citation by competent Officers; yea Senences against Persons in absence, tho legally cited, are very ordinarily reduced. And according to the Law of this Kingdom, no Sentence should be past in any Church Judicatory, upon any Person whatsoever, till he be duly cited and fully heard in *causam suam*. This is materially done in all Acts establishing Presbyterian Government; which by its own in-trinsick Rules, requires such Justice to be done to all Offenders. And also by these Acts, *Jam.* 6. *Par.* 13. *Act.* 164. and *Char.* 2. *Par.* 1. *Sess.* 1. *Act.* 25. but more especially by *Act.* 87. *Parl.* 6. *Jam.* 1. its statute, That a Church-man be cited by his Ordinary or his Officials, and the causes of his Citation must be delivered him with the Summons; and after the Execution of the said Summons, he hath Forty Days granted to appear and propound his Defences before Sentence pass against him. The Judg not observing this Form of Process against a Church-man, is condemned to satisfy the Complainer: Nay no Process is to be granted on the first Citation, before Inferiour Courts, but upon libelled Precepts, and Citation of fifteen Days, *Jam.* 6. *Par.* 23. *Act.* 14. *Car.* 2. *Par.* 2. *Sess.* 3. *Act.* 16. See also *Parl.* 8. *Jam.* 6. *Act.* 132. This Act requires, That no Minister be deprived of Office or Benefice, unless he be lawfully and orderly cited, tried and adjudged culpable by the Judg Ordinary.

4. Rav. Bib. Sac. p. 1. p. 851. *Iniqui sunt iudices qui reos percutiunt & injuria efficiunt, etiam antequam ejus causa in judicio fuerit cognita; — boni iudices, non temere ferunt sententiam sed prius omnia quæ ad causam faciunt, diligenter inquirunt, Deut. 13. 14. and 17. 4. and 14. 18. and 6. 3. and 11. 5. and 18. 21. Act. 12. 19. Ideoque & reos ad causam dicendam, prius admittunt, & criminis admissi conviungunt, quam in eos sententiam ferunt. Gen. 3. 9, 10, 11, &c. and Gen. 4. 9, 10, 11. Jos. 7. 8. and 22. 13. Judg. 23. 14. Eadem fere habet Clariss. hic Author. ibid. par. 2. p. 492. and part. 1. p. 21. Then,*

5. Leigh in his Body of Divinity, l. 7. c. 29. p. 813. gives 6 Rules for executing Justice, all exactly contrare to what they have practised in their way with me.

6. Its actually supposed in the preceeding Acts of Parliament, That in case any Person be not thus orderly cited and sentenced by any Church-Judicatory, then the Lords of His Majesty's Most Honourable Privy Council, and Session, being complained unto, and they finding the said Process thus lame, are not only to refuse their Civil Concurrence, liberate the injured Person from any Civil Injury ensuing unto him, upon the illegally past Sentence; remit the said Affair to be recognised by the same, or rather a superior Church-Judicatory, as to what is therein purely Ecclesiastick; but also punish the said Judicatory civilly, according to the Demerits of their illegal Procedure: Which is also taught by some of the greatest Divines that ever professed the Protestant Religion in Europe. See the Authors in the Epist. Ded. p. 4, 5. and Reness. Pref. lib. Wall. de Mun. Minist.

7. All Protestants condemn the Sentences past against them by the Pope, or his Conclave, and other Popish Councils, as altogether null and utterly in and of themselves invalid, as for many Reasons, so also because they condemn the Protestants *inauditos & nullius erroris judicialiter convictos*. And so their Sentences, *Laborant defectu ordinis judicialis & pronunciata sunt, nulla præmissa citatione causa cognitione, examinatione, ac legali convictione*. These are the very Words of famous Polanus Synt. lib. 7. c. 18. p. 1758. and 1759. And hence Dav. in Col. 2. 23. p. 254. says,

8. *Cæca obedientia mandatis superiorum ecclesiasticorum præstita est stulta, impia, ac irreligiosa*; for which he gives four Reasons, *nec hominibus obedire licet (inquit Cyp.) ubi voluntas hominum, non capit voluntatem Dei, Act. 5. 29.* And so it was, and that justly, accounted an intollerable Usurpation upon the Church of England's Privileges, for King James the 7th to erect a new High Commission Court, which ordered the Bp. of London to suspend Dr. Sharp, without citation; which the Bishop out of Conscience

science to Justice and Equity refusing to do, is therefore suspended himself. See *Compleat Hist. of the late Revolution*, part. 3. p. 34. and part. 2. p. 17. which are noticed by King William in his Declaration from the *Hague Octob. 10. 1688.* as also that the said Commission did turn out the President and Fellows of *Magdalen College*, without so much as *once citing them, &c.* For redressing of which Injuries he did nobly adventure his Sacred Person, in a most dangerous, but by God's Power and Blessing a most successful expedition: And so I may be perswaded that the suspending of me without being *cited or heard*, shall not go unredressed, when represented unto His Sacred Majesty. No Sentence can be past in the meanest Court Civil of this Kingdom, in the smallest concern according to Law, unless the Party *be legally cited to 2 Dyets*, and the Execution thereof subscribed with two Witnesses, *Act. 6. Parliament 2. Session 3. Car. 2.* And shall I be deprived legally of Office and Benefice and *never once cited?* But then further it is known,

9. *Quod apud Romanos omnium actionum principium a citatione erat propositum, Instit. Just. Crisp. l. 4. tit. 16. p. 436. & ibid.* He who without Warrent from the Judge, did cite a Parent or Patron, or the Father or Child of a Patron or Patroness, *Prator, in illum constituit penam 50. Solidorum.* Nay they made strict Laws against any Judge who should pass Sentence against any Man till he was duly cited and fully heard. See *Goodwin's Rom. Antiq. p. 210.* and *Justin Instit. ubi supra, p. 474.* *Utriusque litigatoris presentiam, in lite adducendam desiderat.* And for that effect orders the Persuer a Warrant, for a first, second or third Summons, and after that, *editum quartum & peremptorium.* Hence even *Seneca* says, *Judex qui altera inaudita parte aliquid statuit, equam licet statuerit sententiam, iniquus tamen est.* And therefore,

10. Its highly commendable in *Alexander the Great*, that he allowed *Philotas* and *Amintas* full liberty to answer in their own Defence, and that he did rationally and calmly confute whatever they said to that purpose, before he past Sentence upon them. And it was no less unjust and highly cruel in him, to condemn and sentence to Death *Parmenio* and *Calisthenes*, without any Legal Process or Citation. And how much he did lament his cruel and rash murder of *Clitus*, is fully known: Which with other such cruel Sentences against the *Macedonians* hastned *Alexander's* untimely end. See *Quintus Curtius lib. 6. p. 158.* and *lib. 7. p. 168.* & *lib. 8. p. 209.* & *228.* and *lib. 10. p. 293.* in English And,

11. Tho a Parliament be (as *Cook* says, *Instit. l. 1. sect. 164.*) *curia vetustissima, honoratissima capacissima*, so as (*Apud D. Smith De Rep. Ang. lib. 2. cap. 2.*) *Leges veteres irritas esse jubet & novas inducit*: yet is it cry'd

out

out upon as a most grievous Oppression in the Parliament of Scotland, Anno 1660, Sess. 2. to remove the Ministers of *Edenb.* without Citation; and that others for not keeping the 29th of May 1663, were put by the said Parliament from their Benefices, without citation, *Nepibali*, p. 191. And shall it be no breach of Law and Justice for the P. of D. to thrust me from my Ministry and Benefice without Citation or Hearing?

12. Herein truly they act not as Presbyterians, but as the Successors of Bp. *Sharp* and General *Dalzel*, who openly protested before the Lords of His Majesty's Most Honourable Privy Council, That the formalities of a legal Proceedare did very much obstruct the King's Business; and therefore pleaded for instant dispatch after the *Moscowian Mode*, *Naph*. p. 265. But,

13. They'll say I had the Moderators Letter to appear. I answer, 1. It was extrajudicial, and tho it had been at appointment of the Presbytery; yet, 2. Is it no legal Citation, since all such must be by the Beadle, and none else, *Metb. of Proceed. cap. 1 sect. 5. num. 17.* 3. They know who were once, twice, and a third time required to appear before the P. of D. by a Letter from the Clark in the name of the Presbitery, with Certification; which yet in end was judged no legal Citation: and so their Process sisted. 4. If a Line from Mr. P. be Citation enough, then why so much coit and pains to cite every Person before this new and easy Mode? But they may in end possibly meet with the same Measure; I advise them in the fear of the Lord to read and tremble, at what is recorded *Gen. 42. 21. Jud. 1. 7. Psal. 12. 5. and 64. 6, 7, 8, 9. Isa. 33. 1, 2. and 59. 18. Jam. 2. 13. Math. 7. 1, 2. Luk. 6. 3, 7. Math. 18. 32, 33, 39.* Neither are there Instances wanting in every Age, of God's remarkable Pleadings against the cruel and illegal Practises, even of the Greatest; they may read what's recorded of three Kings, *Car. 5. Hen. 2. and Francif. 2. of France*, by famous *Whitaker de Eccl. cont. Dur. quest. 5. p. 377.* I shall only here tell them the last of these Lines,

*Verfuti, fatui, surdi, hec spectacula reges,
Vos sapere vel mori jubent.*

14. The good Earl of *Essex* (whom *Cranmer* still represented to *Henry 8. of England*, as a most faithful Man to Church and State) having consented to that cruel Law, of condemning Men for *Treason unheard*, was the first Man who smarted by that Act; being thus sentenced and accordingly exccnte, *July 28, 1540.* Dr. *Burnes's Abridg. of the Hist. of the Church of Eng. l. 1. p. 240.* And who brought home and first found the sharp-

sharpness of the Maiden's Edg in Scotland is Notour to all. *Nec lex est justior ulla, quam necis artifices, arte perire sua.*

15. They never once communed with me, either by Word or Write upon the Affair, before they suspended me. Contrary to *Mat. 18. 15.* this place is excellently explained to this purpose, by famous Mr. *Durh.* on *Scand. par. 2. c. 3. p. 67, 68, 69, 70, &c.* *Loci scopus est*, that Charity be not violate under any pretence of Zeal; and because ambition sways most Men to a greedy divulging of their Brethrens Faults, therefore our Lord doth here tymeously check this Vice, commanding us that as much as is possible, we cover our Brethrens shame. *Quos enim fratrum dedecus & infamia oblectat, odio & malevolentia rapi certum est quum si in illis vigeret charitas, fratrum consulerint pudori.* See *Calv. in loc.* Sure if they had not been sadly blinded with Malice, they could never have been so inconsiderate as to have sentenced me, before ever they either spoke to me in private, or cited me before them in publick; their Fig-leav'd Pretences of Zeal cannot but easily vanish out of sight, to all who know, that Zeal for God's Glory takes God's Method for carrying on its designs, it seeks the Good and Edification of Men, is attended with Bowels of Mercy to the Persons of Offenders, and with mean and low Thoughts of Self: But there's a blind, bitter and proud Zeal, *Rom. 10. 2. Jam. 3. 2 King. 10. 16.* Of which I add only what *Calvin* says, *Harm. Evang. in Luc. 9. 55.*

16. *Multos impellit zeli fervor; sed cum deest spiritus prudentie ebulliunt in spumam, sepe etiam contingit zelo, turbidos carnis affectus esse permixtos, & qui acerrimi videntur glorie Dei zelota privato carnis, excecantur affectu.* *Vid. etiam Calv. in Act. 6. 11.* And,

17. As this their way is contrary to God's Word, so also to the Rules prescribed by the Church of Scotland, *Meth. of Proceed. cap. 1. sect. 5. num. 18. and c. 2. f. 6. n. 7. and c. 3. f. 8. n. 4. and c. 2. f. 8. n. 2, 3, 4.*

© C H A P. IV.

1. **T**HE Iniquity of this their Sentence will further appear from these two Considerations. 1. That they knew I would have appeared tho not cited, had I not been affixed to my Bed by sickness. 2. That they past this Sentence without any Evidence, upon the meer Assertions of a notorious Strumpet, &c. For clearing these Considerations, *Durh.* on *Scand. part. 2. c. 5. p. 179.* says, That contemptuous refusing or declining of Appearance (even tho legally cited) is not to be restricted to

to once or twice refusing, even when no reasonable Excuse can be given ; and Church-Officers would be favourable in admitting of Excuses.

2. The Roman Law says, *Inst. Just. Com. Crisp. in 12. tab. part. 3. p. mibi 503.* *Si reus esset morbo a foro impeditus, & morbum in foro allegari, per amicum curaret ; tum prator excusatione cognita, in diffidendo die, hac uti- batur formula. Hic dies est diffisus.*

3. No Sentence can be palt against any Man but at the mouth of two or three Witnelles, *Dent. 17. 6. and 19. 15. 1 Tim. 5. 19.* and these *Legal and Credible Men* (not Knights of the Post or Sons and Daughters of Be- lial) which even Jezebel and the High-Priests, *1 King. 21. 9, 12. Mat. 26. 59.* would seem to regard, in their most bloody and cruel Processes. And yet *Calv. in Mat. 26. 59.* says, *Nihil minus ipsis fuisse in animo, quam de causa illa legaliter, aut secundum Dei verbum inquirere, ut re bene comperta decernerent: Jam, quoniam hoc illis prius erat fixum Christum penitus perdere.* What would this Holy Man have said of the P. of D. their Sentencing me, not only upon false Evidence, but also without being once cited, or heard, when they knew that I was sick ? even what he *ibid.* subjoins, *Fieri non potest ut aequitati aliquis restat locus, ubi causa cognitio non precedit sententiam.* Civil and Ecclesiastick Power both agree in many things, particularly in this, that neither of them condemn any without Conviction and full Probation of the Offence, *Gilespie Aron's Rod, lib. 2. cap. 4. p. 184.*

4. The Council of *Trent* is justly accused as Antichristian and Tyran- nical, as upon many accounts, so principally because, *Lutherum aliosque non paucos, ante legitimam citationem ac cause cognitionem damnavit. Vid. Polan. Syn. l. 1. c. 33. p. 178.* And I desire to blefs God, that I never ei- ther in Session, Presbytery, Synod, or General Assembly, did consent to the sentencing of any, but upon due Citation and full Conviction, by credible Evidence ; for which I have been often accused by some igno- rant Zealots, as a Favourer of Offenders : Yet therein I followed the Rule of God's Word. And,

5. By the Law of England, no Man is to be tried, or once arraigned before a Petty Jury, till the Grand Jury upon full evidence of the Crime return *billā vera.* *Calv. in 1 Tim. 5. 19.* says well, *Tanta ergo iniquitati non frustra se paulus opponit, ac prohibet Presbiteros improborum subijci, male- dicentia donec Legimus, convicti sint Testimoniis.* And,

6. *Wall. oper. part. 1. p. 5 16.* *Etiam si pastori ipso aliquid esset notum scan- dalum, non tamen potest aliquam in scandalosum infligere censuram nisi res testi- bus idoneis possit probari, quum Deus legem tulit, ut in ore duorum aut trium testi- um omne consistat verbum.* And *Ruth. Due Right, &c. p. 46.* says, That al- tho the Judg saw the Guilty commit the Fact, yet can he not by God's

Law condemn him but upon the Testimony of two or three Witnesses; for the wise Lord sees what Confusion and Tyranny should follow, if *one* should be both, *Juax actor, & testis*: And therefore God hath tied the *Conscience of every Judg*, to the Fidelity of Witnesses, not known to be false: And for this cites many Learned Men.

7. The Convention of Estates in Scotland, April 11. 89, in their Claim of Right, amongst other reasons why Jam. 7. is declared to have Forefaulted his Right to govern, this is one, that he did impower Military Officers, in sundry Places to judg, whereby many were *Summarly* put to Death, without legal Tryal, Jury or Record; (and murdering of Ministers Fame is in some regard a greater Crime, than the murdering of a Man's Body.) As also for imposing of Fines and Forefaulters, before any Process or Conviction, and for exercising an Arbitrary Power, to the Violation of the Laws and Liberties of this Kingdom. And shall the P. of D. without regard to the Law of God and the Kingdom, deprive me of Office and Benefice and yet be innocent? Yet.

8. Calv. in 1 Tim. 1. 19. says, *Hoc quasi singulari privilegio (quavis revera omnibus sit commune, Dent. 19. 15.) solos Presbiteros munis Apostolus, ut a falsis delationibus, illorum tuta sit innocentia, imo necessarium est remedium ad versus hominum malignitatem.* And in Heb. 10. 28. *idem Calv. Observanda est illa equitas, quam sequuti sunt politici fere omnes, ne quis nisi duorum saltem testimonio, convictus damnetur.* And,

9. The Grave and Learned Authors of *Smellymnus*, sect. 11. p. 33. says, that of old Plaintiff and Defendant were brought judicially before the Judicatory, and sufficient evidence required, to prove the guilt before Sentence; neither in these days might any Accuser be led as a Witness. Of this mind is the Church of Scotland; for *Metb. of Proceed. c. 2. sect. 6. n. 8.* The Womans Testimony can be no sufficient Evidence against any Man, for so much as to put him, by Oath, to purge himself.

10. This Injustice of the P. of D. and there unparalell'd Malice will yet more conspicuously appear, by the entertainment which I met with from them when I appeared before them, Aug. 26. 96. whereof take this short account first. Tho they knew that I was scarce able to come that length, what with Sickness on my Body, and Trouble on my Mind; besides my Wives dangerous Circumstances. Yet whenever they hear that I am in Town, its proposed that I be instantly secured in Prison least I should run for it; and accordingly they address, first the Magistrates, then the Steward-Depute; but they were more honest and just Men than to assent. At length I get leave to speak. And so I say,

11. I sometimes thought that I should ever been entertained by this R. P. with that Respect, Love and Kindness, which is due unto a Brother; which if I had met with, I had this day not only judicially owned the most solemn Oath, which I sent you from *Edenb.* but would have also followed whatever other Method my R. B. had judged necessary, for my full Vindication from the vile reproaches cast upon me: But since ye have thought it unworthy your while to take this way, I hope you will excuse me to take all such Methods as the Word of God, Acts of Assemblies, and Laws of this Kingdom, do prescribe, warrant and allow, for redressing the Injuries done, and threatned to be done unto me. And therefore I do hereby appeal from this P. unto the R. S. to meet at this place *Octob. 13. 96;* and thereupon delivered my Appeal (which I had publicly read at *K. Aug. 16.*) to the Clark.

12. Then *E. D.* called in, and did judicially own what they had in my Absence with Force and Fraud extorted from her. To which I answer, 1. She can do no less to gratify her Benefactors, who instead of causing Imprison, scourge, or duck her in a Pool, according to *Act. 13. Parl. 1. Jam. 6.* have ever since provided her and her Brat with Bed and Board. Yet, 2. All she says are notorious Lies, and directly contrare to what she with fearful Imprecations, and solemn Asseverations did declare, at the birth of her Bastard, and before the Session of *T.* and *P.* of *K.* as I perceive by the Minutes of that Presbitery in that particular, presently read: and may be fully proven were she, *A. M. T. D.* and many eye Witnesses of their behaviour judicially staged. 3. Its no new thing for most eminent and innocent Men to be thus vilely reproached, as was Mr. *T. P.* Mr. *A. S.* Mr. *A. P.* and many else; whom nevertheless God did in his great Mercy vindicate, sending remarkable Plagues also both upon their accusers, and such as abetted and listned unto their Hellish Accusations; some whereof I have been Ear and Eye Witness to, both in this, and in the Kingdom of *Ireland*, which I now forbear to mention. And, 4. For my own part were all other things right betwixt God and my Soul, to that whereof I am now basely accused, I could be content to enter into Eternity within an hour; and should I take with that vile Brat, my Conscience would sit in my Face, as lying against my Right, and taking with that Guilt which my Conscience clears me of, and which by many undeniable presumptions belongs to another, how much soever palliated by the *P.* of *D.* Then,

13. It's inquired what Money I gave her at parting from my House. I answer, I was then owing to her 20 Pound Scots, whereof I gave her 15 Pound; and afterward 2 Pound 4 Shillings and Six Pennies: and

would have given her all, but that my Wife, at her leaving my House did convince her, before sundry Witnesses, that she had either stolen or suffered 6 Ells of Linnen to be stolen. She asserted, that I gave her only 6 Pound Scots of her Wages, and 4 Mill'd half Crowns to carry her to Ireland; which made the greatest of my Enemies to look upon the whole as a Forgery. And finding that they Quarrelled we with sundry other things, I desired them to give me a formal Libel, which I should answer at next Meeting. When I am removed they instantly rise, and when I'm retired I write down all that past betwixt them and me; with some further Remarks on their way, part whereof follows,

C H A P. V.

1. **T**H O by the Lord's Mercy I was helped to carry with great calmness; yet did they entertain me with the basest of Language, such as *Impudent, Infatuate, Lier, Self-contradictor, Achan*, and what not: and many times 3 or 4 of them speaking of sundry purposes at once. Which, 1. Is very inconsistent with the Scriptures, *Mat. 11. 29. Phil. 2. 1, 2, 3. Tit. 3. 2. Gal. 6. 1, 2. Eph. 4. 29, 3. 31, 32.* 2. Had they had one before them really guilty, of all they laid to my charge, they should have minded such words are irritating and no way edifying. 3. The Assembly, *An. 1690*, whereof I had the Honour to be a Member, in their Letter to His Majesty, say, *We assure Your Majesty, as in the presence of God, and in expectation of his dreadful Appearance, that we shall study that Moderation which Your Majesty enjoins ——— desiring in all things to approve our selves as the true Disciples of Jesus Christ; who tho most zealous against all Corruptions in the Church, was yet most gentle towards the Persons of Men.*

2. The General Council of *Ephesus* were of another Temper, and therefore tho *Nestorius* was condemned of Blasphemy against the Son of God by a Provincial S. at *Rome*, and another in *Egypt* under *Celestine* and *Cyrillus*; yet in the General Council they ever give him the Honourable Title of *ἐπισκοπὸς εὐλαβηστὸς*, *usque dum communi omnium sententia est judicialiter condemnatus.* See *Rivet. defens. lib. Eccl. part. 3. p. 438.* and *Aug. (apud Dav. in Col. p. 329.)* says, *Nunquam objurandi suscipiendum est negotium; nisi conscientia, nostra liquido coram Deo responderis: nos ex dilutione, illud facere, quicquid enim ex acerbato dixeris animo, punientis est impetus & non Charitas corigentis.* *Barth. Krak. in Jon. c. 1. p. 17. eadem viam fere habet, cum quibusdam, de redarguendo Cantelu.*

3. *Durb.*

3. Durh. on Scan. part. 2. p. 74. says, There should be Gravity, Impartiality, &c. kything in every Circumstance of a Judicatories carriage towards real Offenders — Passionate Words, Heat and personal Reflections are most derogatory to the Authority of a Church Judicatory, and mar the weight of any Sentence upon the Conscience. Hence Bowls, *Past. Evang. l. 2. c. 23.* says, *Innotescat lapsis pia ac tenera ipsorum commiseratio, in illorum vulneribus cōtrectandis, adsit misericors Sympathea.* And hence even the School-men, *In increpante requirunt aptitudinem, mansuetudinem agnitionem, certam peccati, spem probabilem emendationis, opportunitatem & peccati gravitatem, sed ante omnia erga animam peccantem charitatem.* What would they require from younger Brethren towards an Elder, miserably reproached by impious Persons, after he had given the utmost Evidence attainable of his Innocence?

4. I cannot but here mind what *Calv.* in *Act. 23. 2.* says, upon *Ananias* his commanding *Paul* to be smitten in Judgment; (and to smite with the Tongue, is more afflicting to all ingenuous Spirit than to smite with the Hand) *Sic impios a Satana raptari finit, ut ab omni aqutatis & temperantia specie excidant.* No doubt but *Ananias* studied to counterfeit the Gravity becoming the President of an Ecclesiastick Judicatory; which *Mr. P.* once studied to do in his way with me. *Sed Dominus illi hanc excussit larvam, ut ne vel gregarii hominis teneret modestiam, sed ut profundet instar bestie, violentam ferociam, sicque inter illos confusa regnavit barbaries, nec ulla disciplina vixit ratio — Ananiam hodie referunt, qui ad tribunal produçios, prius damnant quam audiunt.*

5. Grant I had been guilty, they were to act the part of kindly Physicians. And so *Chrysost.* in *Joan. Homil. 25.* *Quamvis non primo persuadissent instante non tamen ferarum more excandescere, nam (uti Naz. Orat. de Mod. Serm.) quam inutilis est ac iners supina segnities, tam inutilis est stulta acrimonia.* But these are Rules unfit for such Masculine Spirits, as my younger Brethren in the P. of D. are; whose carriage towards me I can no better describe,

6. Then in the words of *Calvin*, in *Gal. 6. 1.* *Plerique quasi insultandi materiam nati ex fratrum delictis, illos contumeliose vexant, & atrociter id fit quia exprobrationi, magis quam correctioni student: hæc autem non fit violentia, aut spiritu accusatorio; nec truculentia aut vulnus aut verborum; ideoque qui redarguit, spiritum offerat mansuetum ac placidum.* And *Beza*, *ibid.* *Hii fere semper regadissimi sunt in alios censores, qui infirmitatis propriæ prorsus sunt immemores.* And however they in venting judicially such unmannerly as well as unchristian Expressions, did please themselves for the time; yet would I have them seriously to mind the after-reckoning, which

which even such base Expressions lays them open unto in the righteous Judgment of God; for which in love to their immortal Souls I advise them to read and meditate upon.

7. What is recorded *Mat.* 12. 36, 37. *Psal.* 64. 7, 8, 9. and 120. 4. *Moller.* in *Psal.* 64. 8. p. 530. says, *Deus eos perdet & evertet subito, tanquam istos fulmine, & quidem tunc cum secum sibi indulserint, & judicarent se extra periculum esse.* His Words also, upon *Psal.* 120. 4. p. 1204. are very notable to this purpose: But I proceed, It's a known Saying even among Heathens, ἡ ἡ κακὴ βελὴ τῷ βελευσέντι καὶ σὺν. But there is one Expression which I cannot pass, of a Youth, Mr. W. E. whom I have seen within these 20 Years in meaner Circumstances than I shall mention: He rising up says, *I mind what Joshua said to that poor Creature Achan, Jos.* 7. 19. *So say I to you Sir, &c.* O good Lord to what an unparallel'd height of presumptuous Arrogance, Pride, and monstrous Ingratitude is the Youth of this Generation arriv'd? I brought in this poor Creature upon his one earnest request, by his Letter from *Edenb.* Jan. 5. 93. was principal Instrument in settling him in a Maintenance of 1400 Marks per Annum, and more; kept him gratis in my Family (as I did sundry others of little better stamp,) till he past his Tryals, did preach and proceed in his Ordination; have once and again eased him in the weightiest Affairs, which he had in hand since he entred upon the Ministry; lent him Money when he had little in his Pocket; and yet such a Novice, not three Years in the Ministry, to vent such Language? I shall only mind him of the common Saying, *Si ingratum, omnia dixeris:* or as *Ofor.* in *Parab. Sol.* p. 809.

8. *Quid autem de illius dicendum est furore, qui in alios etiam furem invehitur, quibus multis beneficiis est obligatus? huius quid in perfidia non erit insulta, Numen enim Divinum est ingratum acriter insensum. Ultio Divina non effugit eos qui pro beneficiis, malefacta rependunt, Florileg. p. 1468.* to render good for good is human, good for ill christian, but ill for good is devilish, *Trap.* in *Gen.* 39. p. 302.

9. More Moderate Expressions had been not only more futeable a Church Judicatory, but argued a great deal of more true Wit and Policy; as *Hieron. Ofor. Sap. l. 1. p. 468.* says well, *Præcipua inter homines sapientia pars in Moderatione consistit.* While all other vainly gloried in Wisdom is devilish, *Jam.* 3. 15. That is, says *Laurent. in loc. p. 231.* *Superba, invida, vana, falsa, & mendax.* I forbear their other illegal, unmannerly and impertinent Acts and Speeches till afterward.

C H A P. VI.

1. **W**Hen I appeared before them *Sept. 10. 96.* I found that instead of calling for, and hearing from me, what I had to say to the Double of the Libel (and the Witnesses therein mention'd) delivered to me by their Clark, at their own Appointment; they had been under hand searching out, and pressing others to tell Untruths against me; and that they had presently some judicially before them whom I never heard tell of, and them they were pressing upon Oath, to answer not to this or that Particular, but *super inquirendis*, if ever they knew, saw or heard tell of any miscarriage in me, either towards themselves or any else, since I came to this Corner of the Kingdom, or before it: A practice never heard tell of in the World, but in the *Spanish Inquisition*, and in the late *Circuit Courts*; which also is declared against by the *Convention of Estates, April 11. 89.* as an intolerable Grievance, and Oppression of the Leidges, amongst other things meriting the dethroning of King *James*; and so never to be practised again in *Scotland, April 13. 89.* See *Acts of the Convention, Act. 13. p. 16. and Act. 18. p. 20.* Whereupon,

2. Understanding, that as they had not regarded any Justice, or Legal Procedure, in their preceeding Carriage, so I could expect none for the time to come. Therefore when-ever I appeared before them I delivered *viva voce* (and thereafter in Writing) a second Appeal unto the next R. S. with some Reasons thereunto annexed, with Instrument-Money upon the Presbiterie-Table.

3. The Reasons added are as follow, *Appellatio est legitima judicis superioris invocatio, ratione gravaminis illati aut inferendi, potestatem habentis, suspendendi auctoritatem, & nullificandi sententiam judicis inferioris. Sic jurisse, Justin. vero apud Crisp. p. 873. Appellatio est quarella ejus qui non acquiescit, sententiae judicis minoris. And Justin. Pandect l. 4. tit. 18. Appellationibus ac relationibus, veluti communi auxillio juvantur injuste damnati.*

4. *Wallens oper. tom. 2. part. 1. p. 12. Si quis gravari se putat ad majus provocet Synedrion ejusdem potestatis & natura, sicut ex Dent. 17. & 2 Paral. 19. illam veteris Test. fuisse praxin, enucleavimus; quae etiam in omnibus bene ordinatis ecclesiis, post Apostolorum, & nostra reformationis tempora, semper locum habuit. But,*

5. I have just reason to say that I am injur'd since *Aug. 11.* I was suspended, without Citation or Hearing; and upon *Aug. 26.* they order'd a Paper to be read out against me in the Pulpit of *K.* without intimating the

the same to me, altho I was present at the P. that same day when it was past; and this day are proceeding to call and examine my Accusers upon Oath as if they were Lawfully adduced Witnesses. Contrary to the Law of God, *Deut.* 19. 50. *Act.* 19. 38, 39. and 23. 30. *1 Tim.* 5. 14. Contrary to the Acts of Gen. Ass. and constant Practices of this Church, *Ass.* 43. *Sess.* 2. *Overt.* 1. *Meth. of Proceed.* c. 1. S. 5. N. 24. And contrary to the Law of the Kingdom, *Act.* 91. *Parl.* 11. *Jam.* 6. And contrary to common Sense; for if Accusers shall be admitted to depone a-
nent there own Accusations, especially behind the Accused's Back, or where and when he is not admitted to be present, or when he hath appealed from that Judicatory then who shall be innocent?

6. Marlor. in *Act.* 25. 12. *Non potest iudex inferior nec debet, appellanti ad superiorem negare appellationem.* Et *Codices Justin.* *Comment.* *Dionys.* l. 7. tit. 62. p. 654. *Sciunt cuncti sibi ab injuriis & suspectis judicibus provocationem esse concessam, imo ibid.* p. 653. *Judex appellationem ad superiorem judicem non recipiens damnum sustinet litis, & preterea decem libris auri mulctetur.* *Novel.* 127. c. 3. By all which the World may see,

7. How unjustly the P. of D. refused to read or admit my Appeal from them, *Ang.* 26. and that notwithstanding of my second Appeal. *Sept.* 10. they went on in their unhallowed, and illegal Process against me, till the very day of the Synod; the injustice whereof will further appear, by considering, that to proceed in any Cause, after an Appeal, is Tyrannically to evacuate the use of Appeals, and to take away that lawful mean of defence from Injustice, which God hath established both in the Church and State, and Laws of Nations do allow. Neither,

8. Can the Judicatory from whom the Appeal is made be Judg, whether it be done on just Grounds or not; they thereby becoming a Party Nay *Justin.* apud *Crisp.* p. 874. *Appellatio rescindit judicatum, sive recepta sit, sive non.*

9. Their rejecting of my Appeal, is the more unjust because of the reason therein alledged, viz. because not given in within ten days after the Sentence, according to the late Ass. For, 1. The late Ass. as also that, *An.* 1643. *Sess.* 2. *Overt.* 5. and *Ass.* 48. *Sess.* 30. speaks only of Appeals *ratione injuria illata.* Without so much as once mentioning the time wherein Appeals, *ratione injuria inferenda aut ratione utriusque simul* (such as mine is) should be given in. 2. These Acts speak only of Appeals from Sentences past against Persons legally Cited and fully heard judicially in *suam causam.* As is plain, *Assemb.* 1643. *Sess.* 2. *Overt.* 1. Neither; 3. was there ever a Law or Act limiting the time wherein Sentences past against Persons ~~united~~ should be appealed from: for the Supream

pream Judicatories of this Nation never once dreamed that any inferior Judicatory would ever be so mad. But, 4. There was no Sentence intimated to me till Aug. 16. and I gave in my Appeal Aug. 26. two days within the time limited by the forementioned Assembly, which is exactly ten intire days, *die a quo, & ad quem exclusis*. 5. I had given in my Appeal Aug. 16. to the Moderator, had he had the Patience or Manners to have heard or received the same. 6. Tho the giving in of Appeals be sometimes limited also to ten days *a revocatione sententiae, auditur tamen apud Gallos appellans, post decem, imo post viginti annos.* Just. Inst. Com. Dionys. lib. 7. tit. 62. p. 651. Nov. 23. c. 1. And I hope the P. of D. will not scruple to allow part of that time to the Oppressed, to rectify Injuries done them; which the French Law grants in the like case to any Person.

10. Conc. Nicen. Conc. tom. 1. p. 299. says, *Unicuique concessum est, Si iudicio offensum fuerit agnitorum ad concilia sua provincia, vel etiam ad universale provocare Concilium.* Which is also enacted by the 22d Can. Conc. Milev. *ibid.* And the Council of Sardinia, appointed Appeals to be made by any Person who either feared or apprehended Lession, by the Sentence of an inferior Judicatory; and discharged Bishops to think this derogatory to their Authority. See Durh. on Scand. part. 4. p. 545. See also the Common Law, Pandect. lib. 49. tit. 18. These and some other Quotations being delivered upon the Presbytery-Table; I retired.

11. Yet they proceed; send their Familiars through all Houses, and Persons, where I used to be upon any Business; send Menacing Letters to others, some whereof I have seen; and press Man and Women, to declare upon Oath whatever Evil they either ever heard, or any manner of way knew that I had been charged with, in Word or Deed, truly or falsely: I abhor to narrate the Questions which they proposed to some who compeared before them, as if they had not been a Protestant Judicatory, but altogether one Popish Priest, examining a poor Creature, under pain of Absolution upon *Auricular Confession*, or as if they had read the Jesuits Morals, *A Capite ad Calcem*, or had gotten all Directions to a Confessor by Heart. And if any Person did instead of telling Lies, speak to my Commendation, as all (but notoriously scandalous Persons) truly did, they are instantly menaced and severely rebuked as if they could not be Friends to the Gospel and Ministry in the Corner, unless they would speak and swear horrid Lies against me; and call this to justify, or rather shamefully and sinfully to palliate the Injustice of their preceeding Practices against me. Which,

12. Brings to my Mind what *Sen. de Clem. c. 13.* says, *Hoc inter cetera vel pessimum habet crudelitas; quod in ea est perseverandum, neque ad meliora patet recessus, sed scelera sceleribus sunt tuenda.* A very miserable Trade of Life for any, and much more for them who pretend to be Ministers of the Gospel, to be in a manner necessitate either with Shame and Disgrace to confess their past *Injustice*, or defend the same with worse *Additionals* of the same Nature. *Quid eo infalicinus cui jam esse malus est necesse. Senec. ibid. & Calv. Comment. in loc. p. 47.* *Hoc illorum mos est, qui cum defendere admissa non possunt flagitia, de novis sceleribus remedia quarunt.* I can represent their present Carriage no better, than

13. In the Words of famous Mr. Dickson, in *Psal. 64. p. 80.* *No Innocency or Integrity of Life can be a guard sufficient against a Calumniators Tongue, who seeks how he may overtake a Mans Person, after he hath killed his good Name and Cause, with bitter Aspersions; yea Satan so blindeth such that they never look to God as the Avenger as well as Witness of such Plots — They search up former Slanders, evanished by their Falshood, to waken them again, yea they search Hell it self, to find out Mischief against the Upright.* Might they not thought it sufficient that they had *viis & modis*, given Life and Wings to this vile Slander of Adultery against me, but they must do their utmost to raise other Slanders? But,

14. Their Consciences told them that I had by my most solemn and subscribed Oath put in justice, a Bar to, and and rais'd a sufficient Defence against, all such Hellish Accusations: And therefore, there overflowing boundless, as well as ever immerited Malice must invent a new Channel for it self. Which while they cannot find Encouragement to from any one knowing or credible Person, they take up with, and encourage *ipsius terra facies*; yea Persons by themselves judicially rebuked, and imprisoned till they found sufficient Caution to satisfy for there vilest of Scandals.

15. This there way is well expressed by that of their Predecessors, in the like Wickedness, *Psal. 64.* See *Moller. ibid. p. 503. Ofor. ibid. p. 298. Paris. de Mor. c. 11.* Calls Men of such Practices, *Caninos Diaboli dentes.* *Bern. l. 2. de Confid. ad Eug. Detrahere aut detrahentem audire, horum quid dam-nabilis, non facile dixerim.* And famous *Dav. in Col. 3. 8. p. 296.* tells the World, that they who tell, and they who take pleasure to hear Reproaches and Untruths of their Neighbours, both of them have a Devil, the one in the Tongue, the other in the Ear. And therefore adds *Oportet igitur hominem piū avertari & increpare detractores, atque fratrem laceratum, ab illorum vindicare moribus.* What would this great Man said of my R. B. who pres'd, and many ways encourag'd impious Persons to reproach,

reproach, and rebuked them who out of Conscience speak to my Commendation? I can name more than forty Persons thus treated by them. But,

16. Even Heathens have abhorred such ways; and therefore *Thucydes* said, *A wise Man will neither speak a Calumny against others, nor entertain them who did either speak, or contentedly hear the same.*

C H A P. VII.

1. **T**H O I was not, and could not any further appear before, having simpliciter, appealed from them to the R. S. yet finding, that they intended, against all Law and Justice, to lead Witnesses against me Sept. 24. 96. I sent in to them the following Letter, bearing the Title of *Reasons why the Libel and Witnesses therein mentioned should not be admitted against me, either before the P. or S. of D.* 1. There is no mention either of Time or Place, when or where, the alledged Scandals were committed, and much less 2 or 3 Witnesses mentioned for proving of every particular. Yet, 2. Sundry of them I admitted, (all which solemnly declared my Innocence) others of them I objected against as notoriously scandalous and malicious against me, and inserted the Names of Witnesses to prove both against every one of them. As coming in on their own accord without Citation, having never spoken to me in private; and others pressed upon Oath, *super inquirendis*, to accuse me: and so the whole should be rejected, since no Witnesses are to be admitted against any, but such as are duly and orderly cited, *Metb. of Proceed. c. 2. f. 5. n. 23.*

2. *Polan. Synt. Theol. l. 10. c. 39. p. 2178.* says, *Ad testimonium dicendum ultro ac non vocatum sese ingerere, merito improbat, qui enim sponte ad testimonium perhibendum ruunt, videri plerumque solent, non veritatem rerum, sed voluntatem & affectum, sui animi persequi aut quod subornati sunt.*

3. *Falsi sunt testes, non solum, qui de nibilo constatum proferunt mendacium, sed & etiam, qui calumniose recte dicta, aut facta pervertunt, & ad crimen detorqueunt. Calv. in Mat. 26. 61.* But then,

4. *Rav. Bib. S. part. 1. p. 21.* *Nefas erat olim servis suos accusare dominos.* And its justly accounted great Injustice in *David*, to hear *Ziba's* Accusation against *Mephibosheth*. See *Joseph. Ant. l. 2. c. 19. Tacit. l. 2. and Halicarnass. Ant. l. 2. imo Just. Inst. Dyanis. Cod. l. 4. tit. 20. p. 280. Servus pro Domino; sicut adversus eum in foro interrogari ne admittitur, sicut nec unius hominis testimonium.* Which is also the practise of all Judicatories, who deserve that name. By all which,

5. This R. P. may see that such Persons can be no Witnesses against me; and yet I hear that they, and others also, are Cited to Witness against me to Morrow: which I do not understand, since that I have upon too weighty Reasons appealed *simpliciter*, unto the R. S. However I desire, that there Names, &c. may be sent to me by the Clark, with an Extract of the whole Process, that I may be in greater readiness to answer for my self, before the R. S. &c.

6. This Letter they got, yet proceed with great violence to press and examine sundry upon Oath against me, but were fearfully disappointed to their great grief, which they stood not openly to express to their own inexpressible Shame. For whatever they think, yet Raisers Spreaders, and Encouragers, much more Pressers of others, to vent Lies against their Neighbours, are in a very dangerous condition, *Psal.* 15. 3. and 52. 1, 2, 3. Reproachers of Ministers were by the Jews Excommunicate, *Aron's Rod Bloss.* l. 1. c. 4. p. 43. and so should they in *Scotland*, *Assemb.* 1642. *Sess.* 13. p. 153. and not be absolved therefore, or delayed from Punishment and ordinary Censure, for there other notour Scandals, and Vilanies; as the P. of D. have done to A. C. W. C. and E. D. for their vile Slandering of me.

7. *Moller.* in *Psal.* 153. says, *Boni; famam proximi esse integram cupiunt, & absen is defendunt, non præbent aures calumniatoribus, non serunt obsecratores.* See his excellent Discourse on *Psal.* 52 p. 445. and *Ofor. & Dickson ibid.* Nay this way of pressing Persons to accuse, and then to swear to the truth of their own Accusations against any Man, and much more against a Minister is directly contrare to the Law of the Kingdom *Act.* 13. *Parl.* 10. *Jam.* 6. *An.* 1585. To the Claim of Right, &c. formerly cited. See also *Naph.* p. 215. And contrare to the Laws of *England*, *Stat.* 13. *Car.* 2. *cap.* 12. wherein Bishops, &c. are discharged from urging any Person to swear or make presentment of any Offence, whereby they themselves may be liable also to Censure or Penalty. And the Oath *super inquirendis*, is given as one of the reasons why the High-Commission was discharged by the Parliament, *Car.* 1. *An.* 41. *English Liberties* p. 170. This is the way to ruin both Church and State; for no Man can be sure of any thing, if base and malicious Men, his open Enemies, shall be allowed, yea pressed to accuse him, and then their own Oath taken for sufficient Evidence of the truth of this Accusation, *Pro.* 21. 19. and 25. 24. *Jam.* 3. 6, 7, 8. See *Laurent. in Jac.* p. 222. *David* would not encourage, but cut off, Slanderers, *Psal.* 109. 5. *Ainsl. in loc.* says, *The Slanderer wounds his own Soul, the reproached, and the Heaver.*

8. *Thyrus* banish'd such out of his Dominions, as wounders of the present

present and absent, living and dead. See also *Justin. Inst. l. 4. c. 4. Caus. 11. q. 1. & Caus. 6. q. 1. Imo vulnus Calumniatoris nunquam recte sanari potest, Mol. in Psal. p. 599. Nulla fuit olim in Calumniatorem constituta pœna, quod nulla visa est satis gravis, &c. Paschal. Eth. L. 24.*

9. Historians talk of it as an intolerable Wickedness in *Vitellius* and *Domitian*, that they did encourage *Dilators*, which brought fearful Tyranny and Cruelty upon many good People, and hastned their own fatal Overthrow; while its recorded, to the perpetual Praise of *Pius Antonius*, that if any accused another of what he could not prove, *Sufficenter testibus fidelibus, eundem ille capitali affectit pœna. Vespasian* and *Titus*, did loath Tale-bearers and Reproachers of their Neighbours, as Wretches *publico destinatos exitio*; caused them to be scourged to Death, and their dead Bodies to be drag'd through the Amphitheater to be a Spectacle to others. *Vid. Lucian. de Calum. l. 10. Pechan. de Delat. l. 28. Erasm. oper. tom. 9. Ofor. in Parab. Solom p. 913. Moller. in Psal. p. 1203.*

10. *K. Jam. 6.* in his Speech to the Parliament of *Eng. An. 1609.* Asserts, That a King degenerates into a Tyrant when he leaves off to rule by Law; much more when he invades his Subjects Rights and Liberties and sets up an Arbitrary Power. And in his Speech to the same Parl. *An. 1619.* says, For a King to claim a Power over his Subjects, not founding it self by Laws, is Tyranny accompanied with Perjury. What shall I then say of this way of the *P. of D.* with me, which is not only not founded upon, but directly contrare to the Law of God and Man, Heathen and Christian, as well as contrare to our known Principles and ordinary Practise?

11. And contrare to common Law and Justice; which says, *Justin. Cod. l. 4. tit. 20. p. 278. Com. Dyonis. Omnibus in re propria dicendi testimonium facultatem; jura submovent, & ibid. l. 17. t. 60 p. 650: Appellatione interposita, licet a judice inferiore, repudiata in eo statu omnia esse & remanere, quo pronunciata est sepiissime, est constitutum.* And contrare to the constant Method of Proceed in the Church of Scotland, *c. 1. f. 5. n. 20.* which requires that no Witnesses be examined or sworn in the absence of the Party (tho he hath not Appealed) till after he be thrice Lawfully Cited. And so they and their false Witnesses will be liable to all the punishment which I had deserved, had it been true which they have sworn, according to *Deut. 19. 16, 17, 18, 19, 20, 21. Maim. de Test. c. 18. f. 1, 2, 3.*

12. False Witnesses, and they who induce them thereunto, are to be punished with Prescription of Goods, banishment for ever, Dismembering,

ing, or piercing through of their Tongues with an Iron, *Alt. 22. Parl. 5. of Q. Mary. Alt. 80. Parl. 6. Jam. 6. An. 1540. Alt. 9. Parl. 1. Jam. 6. An. 1567.* and never to brook Honour or Dignity. Which was to be publisht through all the Cities of Israel, *Maim. de Test. c. 18. f. 17.* See also *Alt. 49. Parl. 11. Jam. 6. An. 1587.* And *Meth. of Proceed. c. 2. f. 5. n. 22.*

13. If the way of this P. be followed, no Accuser shall ever fail, in Probation, even of the grossest Lies; since the Devil who acts them to accuse, will also act them to swear that their Accusation is true, that they may elhun the Punishment which false Accusation merits. But this is a new Mode of Probation, never known in the World till D. P. ignorantly brought it forth.

14. As Servants were not admitted to Witnesses against their Masters, amongst the *Romans*; so if a Servant had witnessed falsely against any other Man, he was put to Death. But if a Free-man was found to be a false Witness, he was banish'd and his Goods confiscate, *Just. Inst. apud Crisp. l. 4. t. 18. p. 446.* And according to the 12. *Tab. ibid. p. 469. Si quis falsum dixerit testimonium, e saxo Tarpeio dejecitor.* See more in the same *Inst. Com. Dyonis. l. 4. t. 20. p. 286. & 287.*

15. *Greg. Agrigent.* being by the Instigation of *Sabinus* and *Crescentius*, accused before a Synod of 150 Fathers in *Rome*, and 110 Witnesses being adduced against him; he cries out, as I also may justly do, *False Witnesses rose to my Charge, &c.* And within a short time thereafter, the Whore confesses her being hired by the two; for which she and they both are remarkably in end plagued of God. See *Corn. a. Lap. in Dent. 19 18, 19. p. 958.* *E. D.* needs not confess, that she is hired by *Mr. V.* and *Mr. P.* to slander me, for the whole Country knows she is this twelve Months maintained in Bed and Board, with her Brat, for no other Cause. See *Moller. in Psal. p. 1204. & 910.*

16. The Bishop of *Mentz.* is by false Accusation deposed at the Instigation of one *Arnold*, whom this Bishop had sent to Apologize for him at *Rome*: The good old Man appeals to the Tribunal of the Lord Jesus expecting no redress from any Judicatory upon Earth. The two Cardinals who depose him, said mockingly, *Goye and we'll follow.* The good Man dies, they mocking say, *Now we must follow*; and so they did presently: the first voiding his Bowels in the Jakes, which when the other heard, he chewed his own Fingers and therewith choaked himself. And *Arnold*, who by them was made Bishop of *Mentz*, is instantly slain by the People, *Petry's Hist. Cent. 1200. p. 360.*

17. *Corn. a Lapid. in Pentateuch.* 468. *Dicunt & recte Habrei, omnis qui maligne traducit aliquem, & quicunque recipit dilatorem, omnisque qui falsum contra proximum, dicit testimonium; dignus est ut canibus projiciatur.* And *ibid* p. 469. *Cui non fideres soli, ei nihilo magis fidendum in turba similium, nec enim quam multi sunt, sed quam graves considerandum.*

C H A P. VIII.

1. **W**hen I appeared before the Committee of the S. of D. Octob. 13. 96. I told the Moderator that I was most unjustly treated by the P. of D. for redress of which Injuries, I had appealed to this R. S. and what I had to say was in Writing, and what I had written I would justify, and make evident, before the World: and thereupon produced my two forementioned Appeals, and a Bill against some of my malicious Accusers, with the Names of Witnesses to prove every particular.

2. These Papers being all publicly read in the Committee, did not a little confound some of my malicious Accusers and Persuers, who had wickedly spread it over Town and Countrey, that I was gone to Ireland, or at least that I would not appear before the Synod.

3. When the P. of D. and I appeared, before the R. S. they began to read their Minutes; but I stood up and protested, that they might not be read, unless they would undertake to prove all therein narrated to be Truth, by legal Witnesses, according to the Word of God, 1 Tim. 3. 19. as I had undertaken to prove whatever I had said against them, otherwise I cannot but look upon their whole Minutes, as Slandorous Libels, unworthy the Time and Audience of so R. an Assembly, yea meriting that their Authors and Proposers should be publicly rebuked for the same. They refused to prove the Truth of their Minutes, yet are they allowed to be read, and after reading I rose up and avowed, that therein were contained many gross Untruths; and that they are not only illegal in Procedure, but manck in many things which tend to clear my Innocency, and their illegal and malicious treatment of me. *Hear,* said Mr. P. *how he accuses our Register?* I answer'd, Moderator, what I have said of their Minutes is certainly true, and I desire that the Clark may mark it; for hear I undertake to prove what I have said on my highest Peril; and therefore protest that no credit be given unto these Minutes by this R. S. but that they be looked upon as false, fabulus, and scandalous. J. P. of *Kinbarvis* rises up, and declares that he and 5 or 6
mo

moe honest Men, as Eye and Ear Witnesses, would depone, that what the P. of D. had endued N. S. to swear, *Octob.* 12. 96. was a gross Untruth. Then did they begin to speak as they used to do in their own P. Whereupon,

4. I said, Moderator, I cannot answer all the Brethren of D. P. together; if one of them would speak at once, and this One write what he says, in my humble Opinion, it would sooner bring this R. S. to some light, in the whole Affair. This is presently yielded unto; and so at the next Sederunt Mr. P. in the name of the rest, gives in the following Paper.

REASONS Humbly offered to the Committee of the present Synod, or to the Synod it self, why Mr. C's two pretended Appeals cannot be heard, in prejudice of the P. of D.

“ **A**S for his former of the Appeals. 1. Conform to the Act of the
 “ late Assembly (which we desire may be read) Mr. C. was obli-
 “ ged to give in his Appeal to the Clark, (tho the Judicatory was up)
 “ and the Reasons to the Moderator ten days thereafter; which he did
 “ not, altho he might easily have done it, being advertised 14 days before
 “ his alledged Appeal, by a Letter from the Moderator in name of the
 “ P. that he was suspended. 2. He actually did lift up and pass from the
 “ Appeal. *Ergo*, It cannot be sustain'd. As for the 2^d Appeal, wherein
 “ he appeals from us *simpliciter*, as to the Proceſs against him, it was gi-
 “ ven in 12 days after the publick Intimation of his Suspension *de novo*.
 “ 2. Notwithstanding that he appealed from us *simpliciter*, we have his
 “ Letter, after that owning and acknowledging us, with reference to his
 “ alledged Scandals: which is a real passing from his Appeal. These
 are the very Words of his Paper.

I refused *Extempore* to answer this elaborate Schedule, and having obtain'd an hours time, I returned an Answer in Writing, protesting for liberty to add, assuring the R. S. that its Title might be *Mulum & magnum in parvo*; or *Reasons ignorantly proposed to the R. S. why Mr. C's real Appeals should be admitted to his Vindication, and publick censuring of the P. of D.* Since, 1. The Definition of one Appeal, properly so called agrees to both. 2. I hope it will be no Prejudice to the P. of D. that a debate betwixt them and me be *Simpliciter* decided by this R. S. All Men of common Sense justly suspect them, who will not listen to an indifferent Judg, such as the R. S. is betwixt them and me; to whose
 Deter-

Determination (after full hearing) I resolve intirely to refer what is betwixt me and the R. P. of D. But, 3. The word Moderator, (so often made use of by himself, who as I think, hath both the *onus & bonus*, of being the Author and Scribe of those Learned Reasons) would instantly, like a fearful *Hobgoblin*, or some *Conjuring Spell*, stop my further procedure, were it not that I have long since, some experience of the Strength, Wit, and Learning of the Man, who for present is adorned with that Reverend Title. 4. The late Assembly will not, tho the R. P. of D. in their way with me do, clash with, or contradict, the Assemblies 43. and 48. both which allow no Man to be sentenced, till he be legally cited and fully heard. My first Appeal was given in, Aug. 26. while Sentence was only intimate to me Aug. 16. two days within the time limited by these Assemblies. And as for Advertising Ministers or any else of Sentences past against them *united*, and *unheard*, by the Moderator's Letter; this is a new Neck in Discipline, the Grandure of whose Conception and Obstetrication, is allenerly due to the R. P. of D. for before their days never Judicatory had the Skill and Art of bringing such a Monster to light. And,

5. What weight is to be laid upon the time of the delivery of the Moderator's Letter, the Moderator may easily judg since the Moderator himself knows, that the Moderator's Letter to me, July 24. came not to my hands till Aug. 20. But, 5. I lifted up my Paper Aug. 26. knowing that I might Appeal *viva voce*, according to the late Assembly. And *Iust. Inst. Com. Dyonis. lib. 7. tit. 62. p. 652.* And thereafter deliver both my Appeal, and the Reasons thereof to the Moderator, &c. if I found it necessary: for I never yet past from that Appeal, much less from the Reasons therein mentioed, as appears to this R. S. by my insisting upon both, with such Arguments as are not, and I think never will be answered by the P of D. And so I say his *Antecedem* is a manifest *Untruth*, and his *Ergo*, a ridiculous *Non sequitur*; but he must be excused for using such *Enthymems*, who cannot tell what a Catagorick Sylogism in *prima, secunda, aut tertia figura* means. 6. I lifted up my Paper, that I might let them see that I would not shun to answer any thing which they had to say, provided they would regard therein the Word of God, or common Rules of Discipline. Then I was desirous to hear their utmost, knowing that thus I would have greater ground to fortify my own Cause, and to justify my Appeal at next P. before the R. S. But,

6. What's said of my second Appeal is of a piece with the rest, wholly insisting upon Appeals *ratione injuria illata* without any regard to these, *ratione injuria inferende, aut ratione utriusque simul.* Anent which the R.

P. of D. have as yet brought no Act of a General Assembly. But its said that my Appeal *Sept. 10.* was given in 12 days after the publick Intimation of the Suspension *de novo.* To this I would say a few things shortly. And therefore,

1. I did Appeal upon that day not only because of the unjust Sentences already past, and as ridiculously intimate, but also because of the present illegal Proceedure of the P. of D. there not calling for what I had to say against the Libel, and Witnesses, given me for that end by the Clark, *Aug. 26.* and their present Calling and Examining of sundry others, without calling me, tho at the Door; Contrare to *Meth. of Proceed. c. 1. f. 5. n. 24, 26, 17, 18, 20.* betwixt which and my Appeal there was not 12 Minutes, much less 12 Days. 2. Why this publick intimation in the Kirk of K. and not to my self, who was present while it was past, *Aug. 26.* as appears by their own Minutes. 3. This new Method of intimating of Sentences, *prima instantia*, in a Kirk ten Miles off, and three Days after its past, when the Person sentenced is judicially present, is second Brother to the former way of advertising by the Moderator's Letter; and cannot but after the laudible Example of his first and eldest Brother of that kind, *Quoad totum suum esse*, celebrate the Fame of its first and Sole Progenitors the R. P. of D. 4. I heard tell indeed that Mr. L. did read out a Paper in my Pulpit, *Sept. 29.* (whereof both he and the P. of D. are ashamed, since no Intreaties can prevail with them, now to shew the same to the R. S.) But I never heard tell of a second Suspension, till I read it this day in Mr. P's Schedule. But I must say,

7. Its a new Story indeed to speak of a *Suspension de novo* in the same Process, and doth most convincingly demonstrate Conscience of Guilt, in the first management; like a Border-marriage, which must of necessity be reiterate, else the first signifies nothing in Law; yet the Person so miscarrying must be first publickly censured for their Maleversation, which if this R. S. think fit to do with the R. P. of D. and the rather because guilty of a shameless Relapse in the same Sin, I am satisfied that the said R. S. suspend me the third time; Ay and while I fully satisfy them and all the World, for whatever any Person can justly lay to my charge.

8. And as for the Letter spoken of by the Moderator, I desire the Moderator may produce it, that it may speak for it self: which being accordingly done, the whole Synod did observe that the Moderator had both spoken and written a gross Untruth. Let the World judg what Lies this Man would stop at, in his ignorant, malicious private Tattle, when he stands not in his deliberate, and elaborate Scribble, to deliver such manifest Falshoods. He may well quarrel with my Words and Deeds, which

which cannot return to justify themselves, when he hath the Impudence so openly to bely my Writings, which are *in retentis*, with himself and others, to vindicate themselves, and to be standing Evidences, *Quam praefructu, ille sit fructus*. Here,

9. I cannot but mind the Old Saying, *Mendaces oportet esse memores*, Ofor. Tom. 3. in *Parab. Soll.* p. 913. *Calumnia bonis ignominiam, &c. Sanctissimus maledicentia scelus impunitum minime relinquet*. And amongst all the ways whereby God punisheth Reproachers, none more remarkable than that, whereby in his Sovereignty, *He makes there own Tongues to fall upon themselves*, *Psal.* 64. 7, 8. See *Mollar. in loc.* p. 531.

10. Perceiving that Mr. C. of *Kirt* was present without any Commission from the S. of *W.* I protested against his sitting, or giving either *deliberative* or *decisive* voice in my Affair, this being contrare to *Aff.* 38. p. 56, 57. The P. of *D.* fearing that they should be put out at this S. brought this young Man, whom they knew to be of a voluble Tongue, to Agent their Cause, which by many tedious Harangues, he laboured insolently to do, of which, and his Prior and Posterior Acts of Injustice and Malice I had now said more, but that a Holy God hath since so fully pleaded my Cause in the sight of the World against him.

11. The P. of *D.* and I being called in, the Moderator of the S. doth declare that the P. of *D.* were judged highly censurable for their Injustice towards me, by this R. S. *Nemine contradicente*; and were accordingly next Day once and again Synodically rebuked. *Et sic victoriam in ipsa victoria precipitante sua perdiderunt insolentia*. As was *Wallerius* disappointed (tho not so justly) of his bloody Designs against *Flavius*. Yet doth the same R. S. by Plurality of Votes admit this P. to judg in my Cause; *Decemb.* 15. 96. which I supplicate and protested against as most unreasonable and unjust, but to no purpose: The R. S. not considering, *quod non pudor est ad meliora transire*, as says *Amb.* and *Lucian.* *Præstat recurrere quam male currere*. *Superba est stultitia quicquid semel dixi aut feci ratum fixumq; sit*, *Senec.* I desired also that my Bill against my Accusers might be read. And that I might be allowed a full Extract of my Procces before the P. of *D.* as well as of this present S. &c. But could not be heard in any of these Requests.

C H A P. X.

THE P. of D. finding that none of the maliciously, or violently extorted Accusations, or illegally taken Depositions against me; would do any thing for effectuating their base Designs: they resolved to see what another *Spanish Inquisition*, at K. might do. And on Nov. 28. 96. I get a Letter that there was a *Visitation* appointed, at this Kirk, Decemb. 1. without publick intimation that all concerned might be present: contrare to *Metb. of Proceed. c. 3. f. 5. n. 34.* and accordingly come, tho they knew that my Wife was in her last Month, cause the Report go that they designed violently to thrust her, &c. out of the Manse, not considering that thereby they should expose their Goods to Confiscation, and their Necks to the Gallows, according to *Att. 27. Par. 11. Jam. 6. Att. 7. Par. 1. Ch. 1. Att. 19. Par. 1. Ch. 3. Att. 5. Par. 2. Ch. 2. and Att. 4. Par. 2. Sess. 2. Ch. 2.* Mr. V. preaches; and,

2. Begins his Work with a notorious Lye, telling that they were come there at the invitation of the Parish, while not one of the Antient Heretors, Inhabitants, or Elders, knew any thing thereof. They refused me access to appear before them with my Accusers, whom they pressed upon Oath to reproach me, and rebuked others who spoke to my Commendation; like to that impious Party spoken of, by *Ames. Med. l. 2. c. 17. Imponunt, argent, &c.* Their Clark wrote down all, in blackest Characters, they and all others in the Parish are pressed to subscribe the said Libel, tho never once read unto, or by them. Refusers and Absenters severely Menaced by the R. P. and *Arbig.* Their Dinner is prepared in a notorious Sheep-Thief his House, W. C. This their way is directly contrare to *Metb. of Proceed. c. 3. f. 5. n. 14, 16, 17.* And *c. 1. f. 5. n. 24, 26.* and contrare to *Att. 23. 25. and 24. 2. and 25. 16.* It being even to Heathen Judges altogether unjust, to hear *Paul's* Accusers, he not being cited, or absenr. See *Calv. Bez. and Bren. in loc.* Contrare also, to *Att. 19. Par. 11. Jam. 6.*

3. The First and Lamentable Consequent of this Work is, my Godly Wife, that same day takes her Pains, and is with inexpressible peril of her Life, twenty or thirty Days before her Time, brought to Bed of a Dead Child. Neither ever since hath she been able to come out of Bed one day of twenty. But H's. Process was delay'd

by

by this R. P. for twelve Months, when his Lady was with Child (as was also B. G. when in the same case) least they should have had any Access to innocent Blood. Yet tho my Wife, all things considered, merits as much Justice and Tenderneſs as any of her Sex: This P. ruſh forward to one illegal and unmerciful Courſe, after another; that they may ruin both her, and ours. Vainly dreaming that our Blood would neither ſtain their Hands, nor cry to Heaven for vengeance.

4. Whether they had a Deſign, and hand in the Death of my Sweet Babe, now with the Lord: I refer to all who hear it, but chiefly to the vengeance of the Holy and Juſt God, who ſwiftly hears the Cry and will not pardon the Guilt of Innocent Blood, to determine. I hereby in the Name of this God, do before the World, warn and charge the Invited and invited, to conſider the following Scriptures, to fear, tremble and repent, *Gen. 4. 9, 10, 11. and 9. 5, 9. 2 King. 24. 3, 4. Iſa. 16. 21. Jer. 2. 33, 34. Ezek. 25. 5, 6.* I know them who have ſaid they would not have their Guilt (upon this Head) upon their Souls for ten thouſand Worlds. The Blood of all (eſpecially of Infants) in Covenant with God, is very precious unto him: And I know who have had much Soul-ſatisfying Comfort in the miſt of over-whelming Difficulties, from that Sweet word, *I will be thy God, and the God of thy Seed.* *Quid enim illi unquam de eſſe poterit, vel ad emolumentum; vel fructum, vel ad decus & beneſtatem, qui eſt fontis æque bonorum omnium principio ſedere copulatus, Oſor. rom. 2. de Juſt. lib. 1. p. 198, & 169.*

5. Its evident to the World, that my innocent Babes Death, is *ſiniſ operis*, the bloody, lamentable, ſad, and ever indelible Event, Fruit and Seal, of that and their preceeding Days illegal and unjuſt Actings; whether or not it was *ſiniſ operantium*, in relation both to Mother and Babe, I dare not ſay, tho a deliberate perſiſting in the practice of theſe things, which of their one Nature have a direct, nay or in direct, tendency to ſuch an effect, doth ſtrongly plead for the Affirmative. I only ſay, I think that Word, *2 Sam. 12. 9, 10. Thou haſt ſlain Uriah with the Sword of the Children of Amom, and therefore the Sword ſhall never depart from thy Houſe;* ſhould have a fearful ſound in all their Ears. And,

6. I have cauſed my Child to be buried, not in my ordinary Burying-place, but at the Right Hand of that Door of the Church whereat *Arbiglam* enters, that her Blood may there cry to Heaven for Vengeance againſt him, and all his Complices, in that Days Tragedy which occaſioned her untimely Death, and in all probability will in end be the death of her Mother.

*Ah nimium faciles qui tristia funera casu,
Tolli fluminea posse putatis aqua.
Tu quoq; crudelis Babylon, dabis impia penas,
Et rerum instabiles, experiere vices.
Felix qui tenero, consperget Saxa cerebro,
Eripiens gremio pignora chara tuo.*

7. This way is directly contrare to the Scripture, *Mat. 18. 15, 16. Phil. 2. 1, 2, 3. Eph. 4. 32.* and to the Cannon Law, which says to Ministers, *Pastores istius, non percussores, nova & inaudita est ista predicatio, que verberibus exigit fidem; aliud est quod exigitur Typho superbia, & invidia; aliud vero quid agitur zelo disciplina: plus erga corrigendos, agat benevolentia quam severitas cohortatio quam comminatio, charitas quam potestas aut impia crudelitas. Sed hi qui que sua sunt querunt, non autem que Jesu sunt Christi, facile ab hac lege, discernuntur, &c.*

8. Upon Decemb. 15. 96. I delivered the following Paper to the R. S. It cannot be unknown unto this R. S. of what importance it is, for them to walk upon such solid, and rational Grounds as may afford Peace to themselves, justify their Procedure, and convince, or silence the Consciences of all with whom they have to do. Therefore I desire a deliberate return to the following Queries.

9. Since this R. S. is designing to fall first on the Consideration of the grounds of my first Suspension, before they consider my 2 Appeals, upon which only I can be legally sifted before this R. S. Then by what Title can ye consider these Grounds? not sure by virtue of the Reference made thereof by the P. of D. 33 days posterior, to my second Appeal. Since it must in common Justice, and constant Form of Process, be first determined. *Num bene vel male appellatum.* 2. Since the R. S. did find too just ground, *Nemine contradicente* to censure, and Synodically to rebuke the P. of D. for their suspending me, &c. without Citation and Hearing; if thereupon the said Sentences be not *in se*, and in all their consequences void and null, *ab initio*, and so no way binding upon my Conscience. who dare maintain, against all Opposers, that the Power of Church Judicatories is not Dispotick, Lordly, or Arbitrary, but purely Ministerial and Declarative, both in binding and loosing. Hence *Brad. de Caus. Dei, p. 404. Sacerdotes & Episcopi non intelligentes locum Mat. 16. quodcumque ligaveritis, &c. aliquid sibi de Pharisaorum, assumunt supercilio, ut vel damnent innocentes, vel solvant noxios, &c. cum apud Deum non sententia sacerdotum, sed vita queratur verum: Hii ergo clavigeri,*
possunt

possunt aliquoties delirare, ligando & solvendo putative, & non secundum Normam, Sc. S. quos dominus nec solvit, nec ligat, p. 405. Interdum qui foras mittitur intus est; & qui intus esse videtur foras mitti meretur. Deus non sequitur sententiam ecclesie qua per surreptionem aut ignorantiam, interdum judicat. If the Deposition of Amathum was declared null, because all the Bishops of Cyprus were not present, yea one fewer than the Canons do require was present. As Durh. on Scand. p. 4. c. 13. p. 338. Then what should be done in my Case? *Imo &*,

10. *Lex Can. Caus 2. q. 3. c. 10, 11. Is qui praeest si prater voluntatem Dei, vel prater id quod in sanctis, expresse precipitur Scripturis, vel dicit vel imperat aliquid tanquam falsus Dei testis, & sacrilegus habeatur.* The not observing of this Rule is the cause, as says even Innocent 3. *Quod qui ligatus est apud Deum, apud ecclesiam nonnunquam est solutus & qui liber est apud Deum, sententia ecclesiastica est inmodatus.* And hence in the Primitive times, the Depositions of Ignat. Eust. Athan. Chryst. and others were judged Nullities, by all Orthodox Men, because of the Illegalities and unjust Violences therein exercised. See Durh. on Scand. part. 4. p. 307. and 313. And what weight was laid upon the Suspensions and Depositions, by P's and S's in Scotland, in the time of the late publick Resolutions (to say no more) both in that time, and in the present State of Affairs, is very notour, especially to all who were Members of that Venerable Assembly, An. 1690. See Sess. 13. p. 30. And,

11. *Daven. in Col. p. 333. accounts that only to be done in the Name of Christ, Quod ex ejus sit Mandato; ejus causa, adjutorio, ejus implorando opem, & ad ejus gloriam.* And *Lomb. Potestas ligandi & solvendi, i.e. potestas declarandi solutos & ligatos, non autem potestas suprema aut absoluta, quodvis agendi. Ut Pontificii communiter. Vid. Rav. Bib. S. part. 1. p. 290.* But I further enquire,

12. If the P. of D. after all their illegal and cruel actings against me, and my Family, shall be admitted to judg in my Affairs; contrare to all Justice, Equity, and the known Method of all Processes, Civil and Sacred; then shall Mr. P. Mr. E. Mr. A. R. (against whom I have justly complained, as Ring-leaders, in raising and spreading of most unjust Calumnies and opprobrious Speeches against me) I say, shall they also be admitted my Judges? And upon what account were my Complaints against them not read and heard at your last *Sederunt*, when according to the Appointment of the R. S. I gave in the Names of the Witnesses, whereby I now offer to prove every Article? Moreover I inquire, whether, or not, a Minister accusing another of what deserves a publick Rebuke, Suspension or Deposition, ought not to be at least suspended himself,

self, till he make out, or fully satisfy, for his base and lying Calumnies?

13. If the R. S. in discussing the grounds of their first Suspension, design to give any Credit to the Register of D. P. in that Affair, which at their last *Sederunt* I did openly accuse; and here, under the peril of highest Censure, offer to prove (a competent time for that end, &c. being granted) to be illegal, partial, stuff'd with sundry gross Untruths, and very mank in many things judicially acted by them; which, if upon Record, had convincingly demonstrate their own Malice, and most disorderly Procedure, as well as my Innocence. But,

14. I enquire how it can be either just or safe, in the R. S. to admit the P. of D. or any one of that Class, to judg in an Affair wherein they have already acted so illegally and cruelly? For which reasons I have appealed from them, and for which this R. S. did *Nemine contradicente*, judg them censurable; and accordingly, publickly, *once and again* rebuked them. Since, 1. This is plainly to render that Mean of God's appointment, for redressing of Injuries done by inferior Judicatories, useless, over the Belly of Light and Conscience. 2. This is contrare to the practice of Heathens, *Acts* 25. 10, 11, 12, 21. *Sarc. in v. 21. Hinc laudem querit Festus, quod appellanti concesserit, appellacionem.* And if *Festus*, notwithstanding of *Paul's* Appeal, had either proceeded to judg him himself, or remitted him to be judg'd at *Jerusalem*, he had acted most crnelly, and unjustly; but as the Spirit of God taught *Paul* to appeal, for preventing of the bloody Designs of the corrupt Clergy at *Jerusalem*: So Nature it self taught the Heathen Judg, not to nullify or oppose, but to yield unto, and promote, his Appeal. 3. It's the constant practice in the Church of *Scotland*, that the Party appealed from are secluded from judgging; and so were, and are the Brethren of D. P. secluded from judgging in *H.* his Affair, and in that of Mr. *J. F.* at this present Synod; so were they excluded from judgging in any point of my Affair during the whole time of the last *Sederunt*, being always removed with me when that Business was in hand. See more *Meth. of Proceed.* c. 3. s. 9. n. 1, 2, 3, 4, 5. And the Roman Law, *Just. Inst. Cod. Com. Gothofr. l. 7. tit. 62. p. 660. Appellatione facta illi qui de appellationibus judicant, ex nulla occasione, possunt remittere negotium, ad judicem a quo provocatum est. Sed omnem causam propria sententia determinare convenit. Ita & Novel. 82. c. 13. Rebus non rite judicatis, i. e. non secundum Legem; judex superior etiam sine appellatione, easdem rescindere tenetur. Crisp. Pand. lib. 49. tit. 18. p. 874.* Nay,

15. To admit the P. of D. to judg in my Cause after my Appeal, &c. is as if the *Lords of Session* should, after they have fined an inferior Judg for his injustice, readmit him to judg in the same Affair, Advocate from him. And this P. of D. being now admitted to judg in my Cause, will certainly endeavour the repiaring of their lost Reputation, and in end bring Censure upon this R. S.

16. How can this R. S. reconcile their allowing me an Extract of their own Minutes, with refusing that of the Minutes of D. P. whose Register is fill'd up, and which I accuse, *ut supra*. And how am I allow'd a Warrant to cite Witnesses anent the second Suspension, and yet am deny'd the Extract of their Procedure therein? The manner and issue of their Visitation, held at K. Decemb. 1. will, if noticed, merit further Censure and stop their judging in any Cause of mine, &c.

C H A P. XI.

1. **T**HE return to this Supplication is, they will admit the P. of D. to judg in my Cause; and so immediately fall to the matter, without ever so much as once questioning, *Num bene vel male appellatum*, &c. or giving one answer to any of my Queries; contrare to all Law, Equity, Justice, and the ever observed Forms of Process in this Church and Nation, *Sic volo sic jubeo*, &c.

2. But the constant practice of the Church of Scotland in this Case, is, 1. To discuss that Question, *Num bene vel male appellatum*. 2. It was their Duty to have sustained my Appeal, and so excluded the P. from either *deliberative* or *decisive* Voicing in my Affair; since they not only might be, but actually were in their Consciences, convinc'd that the P. *had broken the Rules of an orderly Process*; they therefore having, *Octob. 15. 96. Nemine contradicente*, declared them censureable, &c. So says *Meth. of Proceed. c. 3. f. 9. Num. 1, 2. p. 50.* Yea, 3. This R. S. finding thus that the P. of D. had *proceeded unwarrantably*, and that sundry of them had not only *contribute to the raising of Scandals* against me, but had also themselves vented most base Calumnies (which they cannot deny, but upon the matter confess, since they, by all sinistrous means, have shunn'd a fair Tryal) the Synod was obliged to Absolve me, and by effectual means to vindicate my Innocency, *Meth. of Proceed. ibid. num. 5.* and this tho I had not appealed. *Just. Pand. l. 49. t. 18. Q. 8. p. 874.* 4. If the S. had found that I had no ground to appeal, then were they obliged to have rebuked me for so doing, and to have remitted the whole

Affair to the P. of D. since its not improper for them, ultimately to determine the same, *ibid. num. 3.* So that without discussing my Appeal there could be no orderly proceeding to the Cause, *ibid. num. 4.*

3. My Affair could not be meddl'd with, upon the Reference thereof, made by the P. of D. *Octob. 12.* Since, 1. That was 33 days posterior to my Appeal. 2. Their Reference, was either for advice, which when they had got, they were accordingly to discuss the matter themselves: which they did not. 3. And so their Reference was, for Final Decision, wherein they have no right to Judge. *Method of Proceed. c. 3. f. 10. num. 1, 2, 3, 4, 5.* Witnesses being called for, I answered. 1. I wrote to Mr. W. B. of D. where A. M. lives, to cite him to this day, but no return; contrary to *Method of Proceed. c. 2. f. 6. n. 19.* 2. Your Clerk hath refused J. S. a Warrant to cite D. and other most material Witnesses, altho the said J. sought this Warrant 3 times: The P. of D. openly granted that they had hindered the Clerk to give this Warrent. And yet the R. S. do proceed as if I had had no Witnesses to adduce.

4. The Presumptions insisted upon, are the Confession of E. D. a pretended Testimonial: Two Guineas and Eight half Crowns which she asserted were given her to go to Ireland. Answer, 1. No Womans much less hers, notour for Impieties, can be an Evidence against me, *Method of Proceed. c. 2. f. 6. n. 8.* 2. She did with solemn Allevocations in Labour, before the Sess. of T. and P. of K. give this Brat to another Man. 3. She's most malicious against me for writing, to secure her in Prison, till she should find caution, to return and satisfy. 4. She hath declared to L. K. and R. G. that this Confession was violently and fraudulently extorted by her Examinators, and that upon Oath, in my absence at D. 4. The body of that Testimonial is nothing like my Hand (as plainly appears, by this, and all my Papers) tho the Subscription be; neither is it to E. D. but J. A. which wholly everts its Credibility. I see its dated *Novemb. 20. 95.* while her Term was not, neither did she leave my House till *Jan. 8. 96.* And I here produce the Double of a Forged Discharge as under my Hand, sent me by the Forger, attested by a Notour Publick, and two Heretors in N. the Principal being produced to them; yet the Producer being persued, declares he never had the scrape of a Pen from me in his Life. Two of the P. of D's Principal Witnesses against me was, this same Year, content to part with a 150 Pound Scots, that their Forging a Bond of 30 Pound, might be concealed. B. G. produced to this P. 2 Letters which she said H. sent her; yet hath the Committee of the R. S. appointed to search into that Affair, declared that they can find no Evidence or Presumption of Guilt. I mind that there was a
Testimonial

Testimonial under the Hand of Mr. *H. A.* produced before this P. of his having Married *G. W.* and yet was it rejected. Monsieur *Biron* was accused of Treason before the Parliament of *Paris*, and a Letter produced, which when compared with many of his Writings, seemed to be exactly and wholly his (contrare to the present Case, as may clearly be seen by comparing the present Write, with that Forged Testimonial) yet did the Jndg absolutely refuse the said Letter, as being in Law no way probative. *Tbuan. Hist. lib. 122.* Then Mr. *P.* said he could swear it was my hand. But, 1. Its said by *T. H.* that he had perjur'd himself thrice already, and I am sure this should be the fourth time. 2. Then we need not go further for a Knight of the Post. 3. Then away with that Clause, in all Legal and Probative Writes, *Signed, Sealed and Delivered in Presence of these Witnesses*: only send for Mr. *R. P.* and such another, and the work shall do. Nothing less then two subscribing Witnesses, can be allowed as probative of a Parties Subscription, *Car. 2. Parl. 3. Act. 15.* Counterfeiting of Writes, both in this and other Kingdoms, is so frequent that I need say no more upon this Head.

5. And further the Synod fees but one Guinea, not two, and no Silver. Its like he who lent her the same, since *Aug. 26.* (when she judicially declared before the P. that I gave her only 4 Mill'd Half-Crowns to carry her into, and maintain her in *Ireland*) could not want the rest till this time; but how they will reconcile such Prevarications, let the World judg. Such judicial Self-contradicters, would be punished in any Judiciary else, but in the P. and S. of *D.*

6. Then is the Grievances from *K.* brought in, to which I answered in general. 1. Its unsubscribed even by the Clark, attesting that he hath the Principal. 2. The most part are pure Generals, without mentioning Time and Place. 3. Grant all were true, they might mount to a Presbytrial Rebuke; but not to the dissolving of a Pastoral Relation. 4. It's 8 or 9 Years, and more than 3, since the most of these Things alledged be done; since which Time I was unanimously approved, by Ministers, Elders, Heretors, and all the People of that Parish, at an orderly Visitation there: and I have been frequently since Moderator, both to this S. and P. and often Commissioner for them both to the General Assemblies, and neighbouring P's and S's, of this Church. And so grant the Offences libelled were weighty, they are not now to be challenged, according to the *Act* of the *Gen. Ass. 1642. Sess. 13. and Meth. of Proceed. c. 3. s. 3. n. 10, 11.* 5. The Ringleaders of this Acculation, and such as are inserted as Witnesses, are Persons notour to the P. and this Country-side, for gross Scandals; and are also Subscribers of the

same. 6. They never spake one word of any of these Things to me in private, contrare to *Mat.* 18. 15, 16, 17. and so should not now be heard *Meth. of Proceed.* c. 3. f. 8. n. 11, 12. 7. I appeal to the Consciences of my Accusers, as they shall answer in the great and terrible Day, if there be not sundry of these Things subscribed by them gross Untruths, others of them altogether uncertain, as to them, and really trivial in themselves? And if a third part of them be not such as they know I can clearly vindicate my self thereanent, and are only put in to fill the Field, and maliciously misrepresented? and so ought to be censured as false Accusers, according to *Deut.* 19. 18, 19. See *Corn. & Lapid. in Pent.* p. 468. and 958. *Aff.* 42. *Sess.* 13. *Adj.* 44. *Parl.* 11. *Jam.* 6. *Meth. of Proceed.* c. 1. f. 5. n. 22. And *Just. apud Dyonis. Cod. l.* 20. p. 281. *Stat.* 25 *Edw.* 3. c. 4. and *Stat.* 42 *Edw.* 3. c. 3. More particularly,

7. It is not the Parish of K. nor any Heretor in it, (but a new Upstart A.C. and other ignorant Persons, stirred up by the P. of D. which many of them now confess) nor yet the Bulk of the People therein who give in these Grievances; it being the greatest ground of Grief to all the truly Godly in this Place, that I am thus cruelly and illegally oppressed. In witness whereof, here is a Letter written by the Patron of the Parish, and subscribed by him and the Lady C. (who her self alone pays 600 Marks *per An.* unto the Minister of this Place) in which Letter they disclaim the pretended Visitation held at this Kirk, *Decemb.* 1. 96. as illegal and surrumptitious; and utterly disown this whole Libel, as false, forged, and scandalous: declare their Adherence unto me as their Legal Pastor; ay, and while the contrare be upon solid Grounds judicially declared, by a Judicatory competent; before which time they protest that they may be fully heard, and all this for themselves, and their whole Interest, within the Parish. (This Letter I did judicially deliver with my own Hands to the Moderator, but it had no weight with them.) But, 1. They say,

8. That I was negligent in Preaching, because I *Lectured only in the Forenoon, and Preached in the Afternoon.* But I did, when I entred on Sabbath Morning, preface a quarter of an Hour upon the Psalm sung, after Prayer read 10 or 12, and sometimes fewer, Verses, endeavour to analize and explain the same, and then raise Observations, with short Probations and Uses, imitating Mr. H. Mr. F. &c. as near as I could; which is not only the old way of Preaching, but cost me more reading than my Sermons; and to my certain knowledg more edifying to a vulgar Auditor, who can retain but little of one Proposition, prosecute to any length. In the shortest fair days, I still lectured an Hour, and preached another

in the Afternoon; and in Summer took some more time: which I think is long enough for any Man ordinarily to do, who resolves to deliver premeditate and digested Doctrine: and lectured half an Hour, at Six of the Clock, in my own House. Then, 2. They say,

9. *That I did sinfully, or unnecessarily, haunt Ale-houses, with Papists, and other bad Company.* *Ans.* 1. I look on't as my duty to become all things not sinful, to all Men for their good; and therein have not only *Paul*, but the *Prince of Pastors* for my President, who conversed much with Publicans and Sinners; yea, did eat, drink, and feast with them. Hence *Aug. Epist. ad Cor.* says, *Infideles non possumus Christo lucrari; si colloquia illorum vitamus & convivium, unde & Dominus noster, cum Publicanis manducavit, & peccatoribus.* 2. Its neither rational, possible, nor yet Christian Policy, much less good Manners, for a Minister to be an *Ishmael*, to all who are not intirely of his Principles in Matters either Civil or Sacred, much less to his nearest Neighbours, the Heretors of his Parish, or his own Relations, or Persons with whom he hath most necessary Affairs. But, 3. If ever Men be reclaimed from erroneous Principles, it will not be by a riggid, proud, and disdainful treating of them in private, or Unchristian rash censuring of, and railing against them in publick; but rather by a Mutual and Christian forbearing of, and yielding to one another in things not Fundamental to Salvation: and by studying a discreet and obliging Converse, even with the worst of Persons, in the Love and Fear of God, *Tit. 3. 2, 3. Jam. 3. 13, 14, 15, 16, 17.* Deeper Impressions of our own Imperfections, both in Knowledge and Holiness, would make us more compassionate to, tender of, and kindlier concerned in the reclaiming of others, whom we apprehend to be out of the way. But further, the untruth of this Accusation will clearly appear by the following Particulars, wherein I am necessitate to give an Account of sundry things, which otherwise should never be heard tell of for me, in relation both to my private Studies, and publick Work.

10. As for my private Studies; I have Written and Transcribed for the Press; first in Latin, *Exercitationes quaedam Theologicae, de Necessitate Scrip. S. ad Salutem. De federe Operum & Gratiae. De Adoptione. De Baptismo. De Perseverantia Sanctorum. De ultima fidei Resolutione. Ad de Transubstantiatione. Disputationes etiam quaedam Theologicae. De Providentia Dei, ejusque concursu cum actionibus humanis bonis & malis. De Suprema morum regula, ubi invictissimis demonstratur Argumentis, Beneficium Dei revelatum, esse supremam morum regulam, nullamque dari actionibus humanis, bonitatem aut malitiam moralem, ipsi intrinsicam, antecedenter ad Dei Opt. Max. voluntatem, hominibus revelatam. De formali ratione malitiae*

malitia peccati commissionis, num sc. in positivo, an vero in privativo consistat? De Officio Christi Sacerdotali, num sc. Dominus noster in secula celebrandus, Officio Sacerdotali, etiam ante Incarnationem suam, aliquomodo sit functus? ubi *Affirmativum* contra Heterodoxas quasdam, cujusdam Neosericici in Wendelinum Annotationes; solidum statumitur Argumentis. De formali ratione personalitatis, num sc. aliquid positivum entitati persone superaddat? an vero in mera negatione communicabilitatis consistat? hic negativum illic vero affirmativum dilucide asseritur. Item,

11. De Justitia Dei vindicatrice ubi per plurimum, demonstratur rationibus, contra Cl. D. Owen, Turret. & alios, tum Justitia, tum Misericordia Divina, erga creaturas omnes egressus; immediate, quoad objectum, mensuram, modum ac durationem; non a Natura, sed a Suprema Dei voluntate, & Dominio $\alpha\upsilon\tau\omicron\upsilon\kappa\alpha\tau\omicron\lambda\omicron\gamma\iota\omega$; cum Brad. Twiss. Rororf. imo & ex ipsius Owen & Turr. principiis determinari. Ac tandem, Integrum volumen primum. *Universa Theologie Systematica.* 37 *Varia* continens ordine capita. I have also proceeded to the 35th Chapter of the 2d Volume; in both which I have reduced under one Head, very compendiously, the various Arguments, for the Orthodox Doctrine, which I have found scatter'd in all the Books read by me this 26 Years past. Item omnium Turrent. tom. 4. *Compendium* in quo unius cujusque questionis, cum mediis & Scripturis singulis, pro & con. Profundis. Tho. Brad de Caus. Dei. Medulla, in qua cujusque fere capituli propositio, cum rationibus primariis ipsam probantibus ordine & methodice digeruntur succintè. Animadversiones in ridiculas, Chymericas, imo & Blasphemias, Cartesii conjecturas, & Meditationes Logica, Metaphysica, Ethica, ac Physica. And,

12. In English, I have revised and prepared for the Press, if the great and gracious Lord shall give Opportunity, these following Peices.
 1. *A Vindication of our Lord Jesus his Royal, Prophetical, and Priestly Offices, from the Errors of Papists, Pelagians, Socinians, Pseudo-Lutherans, and others, upon these Heads: being an entire Commentar, upon Psal. 110.*
 2. *God's Sovereignty over the World, and all things great and small therein, from Dan. 4. 34, 35.* 3. *Meditations upon the Sacrament of the Lord's Supper, being the Substance of many Sermons before and after the Celebration of that Sacred Ordinance, in these Parishes of K. D. and H. from 1 Cor. 11. 23, 24, 25, 26, 27 & c. Joh. 11. 55, 56. Mat. 22. 11, 12. 1 Cor. 5. 8. 2 Cron. 6. 18. 1 Sam. 7. 12.* 4. *The Nature, Excellency, and absolute Necessity of believing in order to Salvation and Eternal Life; from John. 3. 36. Ficc. 2, 3.* 5. *Evangelical Obedience explained and pressed, from Deut. 10. 1, 2, 3, 4, 5, 6, 7.* 6. *God's Bishop discovered, instructed, and comforted; with the Arraignment, Tryal and Sentence past, according to the Scriptures,*
 Pri-

Primitive Times, and deliberate Sentiments of sundry Learned, Godly and moderate Men of both Sides, upon him who justly may be accounted of Humane Origin; from Acts 20. 28. Matth. 28. 19. Isa. 6. 8. 1 Thess. 6. 12, 13. 7. Light out of Darknes; or Direllion and Comfort to the Church and People of God, in a very dark and sad Time; from Job 20. 4, 5, 6. Febr. 1685. and from Isa. 41. 10, 11, 12. preached Aug. 1685. 8. Ireland's Sins scattering Blood and Desolation; being the Sum of many Sermons preached in the North of that Kingdom, beginning at April 1680. and ending on Sept. 1687. from these and sundry other Texts, Mal. 4. 1, 2. Isa. 24. 1, 2, 3, 4, 5. and 12. 14, 15. Rev. 2. 5. 9, 10. Amos. 4. 12, 13. Zeph. 1. 12. Mica 4. 10 With A plain account of the sad things which for our many Sins seem to be hastning upon that and the other Kingdoms, from Amos 4. 10. Ezek. 22. 17, 18, 19, 20. Neh. 9. 33, 34, 35. Jer. 8. 4, 5, 6. 9. The Believers Song in the House of his Pilgrimage, with his most secure and Soul Refreshing Refuge, in a sad and suffering Time, being the Heads of sundry Sermons, Preached before the Much Honour'd Sir R. M. Knight and Baronet, and his most Virtuou Lady, the Right Honourable, Truly Noble, and Exemplarily Religious, Ann, Countess of Clanbrasil, in Killeleah. An. 1686. from Psal. 119. 54. 1 Pet. 4. 17, 18, 19. 10. Our Lord Jesus's first and second coming, the great and principal Cordial of a believing, tho greatly troubled Soul, from John. 14. 1, 2, 3, 4, 5. 11. True Fortitude; or a Christians Duty in time of War: from Nehi. 4. 14. 12. An Essay concerning the Being, Persons and Attributes of the Divine Majesty; in opposition to the Atheists, Sabellians, Antitrinitarians, Arians, &c. Practically digested, from Heb. 11. 6. Job. 4. 24. Jam. 1. 17. Mat. 6. 10. 13. A seasonable warning and instruction to all Persons, to prepare for their leaving of this vain World, and parting with this frail and transitory Life, from Psal. 89. 48. Job. 14. 14. 1 Cor. 10. 31. 14. A Short Abridgment of the Oribodox Doctrine concerning Justification, which is indeed Articulus fidei vel cadentis ecclesiæ, ac salutis humanæ, from Rom. 5. 1. Eph. 2. 10, 13. Mat. 6. 12. And, A Peice of a Pilgrims wandering, containing some Observations of the Remarkable Providences of God, towards him, from the 6th Year of his Age and Upwards. All written and revised with my one Hand, some of them also revised by sundry Learned Men whose Letters in English and Latin, I thought once to have here inserted; but I forbear, and only add to my R. B. of D. 2 Cor. 12. 11.

13. For my publick Work in this Corner; 1. I can instruct by my Catechising Rolls, that I have catechised this People, 13 times over. Every Year, I have visited all their Familles; never refused to visit the Sick when sent for, and ordinarily went and saw them upon Monday
who

who were pray'd for on the Lords-Day ; I did examine the Parishes of N. and C. twice over, while under my Inspection ; they cannot say that I was this nine Years one Day absent from them, except at the P's Appointment, but once five Weeks in *Ireland*, and six Weeks this Summer at *Edenb.* upon very needful Affairs. I Lectured every Week once, many times twice, except in Seed-time and Harvest. I was nine times at *Edenb.* upon the publick Account, five times whereof I was Member of the general Meetings and Assemblies ; and all on my own Charges, excepting 4 *Pound Sterl.* Our P's were every Fortnight, and sometimes oftner ; the Attendance whereupon ordinarily took me two Days. I can instruct, that I have supplied Vacancies at the P's Appointment 50 Lords-days ; besides that I was laid by from my Work 4 Months, by the trembling Feavers. By all which the World may judge what time I have had to spend in Ale-Houses, tho I judge it no Fault to go to any Ale-House with sober Company, either for refreshing, or when my Business requires : And my greatest Enemies cannot instruct, that ever I did it on any other Account, or that ever I acted unbecoming a Gentleman, or a Minister of the Gospel there. But how is this Accusation proven ?

14. The Libel says expressly, that its Witnessed by *A.C.* of *Arbiglum*, and *A.D.* who said, that they frequently heard of it. But if *Hear-says*, be sufficient Evidence, (especially from such *Sayers*) then who shall be innocent ? I verily think, such an ignorant Nonsensical instruction of Guilt, was never heretofore heard tell of. Neither would any, not altogether blinded with Malice and Envy, nay judicially given up of God, to their own petulant Passions ever receive, much less register, such a vile Accusation, upon meer *Hear-say*. And I might lay ten times worse things to the charge of Mr. V. Mr. P. &c. then any thing yet said of me, and prove them fully too, if *Hear-say* be sufficient Evidence. But I forbear till a fitter time. Then,

15. *I am asserted to be an Oppressor of such that I had to do with.* This is most false ; which will appear from the following Particulars. 1. When I came to this place *An. 87.* upon their most unanimous Call. They promised me 1000 Marks *per An.* and so they yet owe me 900 Marks, I having only got 600 Marks for one Year and an half. 2. Since 89. I have laid out in repairing Kirk and Manse, 160 Pound Scots yet unrepaid. 3. Preceeding 1696. they were owing to me 600 Pecks of Victual, besides Money, and yet have I these 4 Months past bought Victual to my Family, at a dear rate without poynding any of them, tho I might have done it legally, any time since *Feb. 96.* 4. To relieve many of them in their Straits, I have at sundry times lent them 1500 Pound Scots, and con-

considering their payment, am a very great looser. And many times have been necessitate to take payment at five or six times, of the Sum given out together to them, and frequently something less, than the Principal for my Pains. 5. I have given them down more then 300 Pound Scots, of what I might have exacted according to Law, as my Stipends. 6. I have taken Meal bought by them for 8 Pound 16 Shillings Scots the Boll, while I had a Decreet before the Judg-Ordinary, three Years before, for 26 Pound 8 Shillings, for the said Meal. I shall not print my Answers to the rest of their Grievances, they being truly such trivial Phancies, or errant Lies, as even my Accusers could not have the Impudence to assert judicially.

16. Then are they wonderfully difficulted how to get Witnesses; for there were only 5 or 6 of my malicious Accusers present, who also had subscribed their own *Accusations*; and so the whole Business was like to stick, for it was strongly debated in the S. by some R. Members, that it was vile, ugly, and altogether illegal, to admit *Accusers to attest their own subscribed Accusations*. Yet for as ugly as it is it must be done; and therefore by a Vote of the Plurality, whereof D. P. made 22, They are admitted to depone, that what they had accused me of was true: Which being intimate to me, I protested against it, as utterly inconsistent with common Justice, and that which would not be allowed in the least Trifle, even before any other Court: yet did they found this upon *Metb. of Proceed. c. 1. s. 5. n. 24.* But, 1,

17. An Informer and a Subscriber of an Accusation are two different things. 2. Even an Informer, upon Presumptions of Scandal and Malice against the accused, is to be rejected, *ibid.* and such are my Accusers; which will appear from this short account of them.

18. A. C. hath the Honour to be the Son and Heir, to the famous Author of the *Apocrypha Merchant-Book* in D. and if spared to his Fathers Years may possibly produce such another *Heteroclise*. 2. In Summer last he led my Peits home to himself, without any Sentence of Law, out of that Moss wherein Ministers have cast their Peits, since the Memory of Man; expressly contrare to *Alt. 165. Jam. 6. Par. 13.* and *Alt. 20. Parl. 1. Sess. 3. Ch. 2.* But they who have it by kind to steal Piens, will not stand to steal Peits, and it may be in end a third part out of his Partners Count-Book, and put in clean Paper in the place of it. 3. His habitual filthy Converse with *Arther, Moffet and Tair*, is as commonly heard of as his Name. *Dam and Sink* are the ordinary Embroideries of his Discourse; it's sure he drank, quarreled and cursed a whole Night lately in *Preston*: Yet a sifter Tool to carry on the P. of D. their Designs

against me. I many times think that the Plagues threatned, 1 *Kings* 14. 10. and 21. 19, 21, 22. and inflicted upon *Jeroboam* and *Ahab*, shall be remarkably reacted against this poor Creature: I have more Reasons for this than I shall now express.

19. *W. C.* was by the P. of *D.* *Aug.* 23. 95. Judicially rebuked, because neither he, nor any of his, ever attended one Oyset of Catechising. Nor were ever known to bow a Knee to God in Prayer, because of Drunkenness upon the Lords-Day: Then also was he secured in Prison, till he gave Bond and Caution to satisfy publickly for these Impieties. Since which time he hath often relapsed in Sabbath-braking, and Drunkenness; for which his Bond was Registrate, *April* 27. 96, and premonished to make Payment: Yet absolved from all by the P. of *D.* for his readines to accuse me, and swear the Truth of his lying Accusations. And tho this *W. C.* did, to the conviction of all the Synod, swear an Untruth, and speak malicious Lyes against me judicially; yet is he sustained a Credible Evidence. See *M^c Ken. Instit* l. 4. tit. 2. p. 382, 383.

20. *J. M.* was cited before the Steward Dep. for 30 Shillings, which I and many knew he had borrowed and never repaid; and it being referred to his Oath, swore he owed his Creditor nothing.

21. *J. B.* was by an elder of *K.* declared to be a lying, cursing, Peiking Boy; yet is he also admitted to depone against me.

22. *M. B.* is brought in, and tho known by all her Acquaintances, to be an habitual Drunkard, yea presently drunk, to the observation of all; and this by me objected to the Moderator, yet is she admitted in this very case to depone; and so swore, contrare to what she and her Husband had done, *Aug.* 26. and sustained, altho *A. B.* a Godly Man offered to depone their was no such thing. I might say more to this purpose both against these, and their other Witnesses. But this is sufficient to let the World see what Justice I met with.

I only add that these Persons were admitted and encouraged by this *R. S.* not only to depone in their own Cause against me. But also to speak whatever they pleased, to my prejudice, and so *A. D.* tells them that one day when *W.* and I was parting he kissed me. Then *Mr. V.* roars out. *O Vile! O Loathsome! O Abominable!* as if he had never either read the Bible, or known the common practice of the Time, much less what is said by *Raven, Bib. S. part 2. p. 212.* This Gentleman is married to my Lord *K.* his Daughter, my Wifes Cousin, and he having visited me at my House: I conveyed him to his Horse. Where parting with me, he did indeed kiss me; and if this be so Vile and Loathsome to *Mr. V.* what would he said if he had seen a young Captain kiss his

own Mare, &c. sure he would instantly instigate the Parent of this Captain, to post to the Lords of the Treasury for another Vacant Stipend for advancing such a Spark to His Majesties Service.

Any of the People present who spoke to my Commendation, or refused to depone exactly to what their Clark had formerly written, are severly threatned, and with Vultures Eyes frowned upon by Mr. V. and not suffered to speak. Upon the whole, by plurality of Votes they pretend to depose me, and order me by Oath to purge my self of that Vile Scandal. Altho they could not prove the very least presumption of Guilt or appearance of Evil, to which in great calmness of Spirit, I answered. *I bless the Lord my God, that I am not consumed, my manifold Provocations, do deserve a 1000 times worse at his hands. But I am sure the Consciences of all here present, cannot but testify that I am most unjustly oppressed, for redress whereof I appeal to the next Gen. Ass.*

Yet do they appoint One to intimate their Sentence against me in the Church of K. which Mr. V. did with great Rage, virulent Expressions and base lying Calumnies, as I am informed. On which I add,

Quo quisque est major, magis est placabilis ira.

Et faciles motus, mens generosa capit.

Corpora, magnanimo, satis est prostrasse Leoni:

Pugna sumum finem, cum jacet hostis habet,

At Lupum & turpes instant morientibus Ursi,

Et quaecunque minor nobilitate Fera est.

What weight is to be laid on such Sentences. See cap. 10. p. 46, 47.

Upon Decemb. 15. I told Mr. P. that I thought he and others, had a greater hand in the Sickness, and Death, of my Wife and Babe; than David had in the death of Uriah: and whether it were so or not I referred it to Him Who hears the cry of Innocent Blood, swiftly to determine. And that same Night his youngest Son was in as fearful a manner, as ever a poor Babe, hurried into Eternity before Day; being for six hours in the pangs of Death, as I am told by Eye Witnesses. The next Morning his House takes Fire, and is with difficulty quenched. They will not, but they shall see, and shall be ashamed for their Envy. &c.

27. I sent thrice to their Clark, for the extract of their Process: but could not obtain it, no not after the Ass. was met. The Truth is they had so contrived their Synod, *pro re nata*; that their Clark had not time to extract, much less I to revise the Process, before the Ass. met. Which with my Wifes dangerous Circumstances marked my appearing before the R. Ass. at Eden. Jan. 1. 97.

C H A P. XII.

1. I Appeared before the P. of D. *Mar. 2. 97.* and then and there did judicially and most solemnly own the Oath, which I had sent them from *Edenb.* as far as it related to the present Accusation, tho I was not obliged thereunto, they having no Presumption of my Guilt. And also declared my readinessto reiterate the same as publickly as they thought fit, with any Alterations of, or Additions to the said Oath, according to the Scriptures; and within a few Days they send me the Form of an Oath, to which I returned in Writing the following Scruples.

2. R. R. Ye know that when I appeared before you *March. 2.* I did judicially own and ratify that most solemn Oath, which I wrote and subscribed at *Edenb. &c. ut supra,* whereupon I have since received a *Formula* of an Oath, which both in Matter and Manner, in the Assertory and Confirmatory part, cannot but afford many and weighty Scruples, to any considerate Ponderer; which Scruples I think fit to represent unto the R. P. for Solution and Answer.

3. It cannot be denied, but that an Oath is a special part of Divine Worship. As says *Sext. Senenf. Elibroth. lib. 6. Annot. 26. p. 435.* Also *Maldonatus in Math. p. 132.* And consequently that both in Matter and Form, it must be according to the Scriptures; otherwise both the Imposer and Taker cannot but be accounted very guilty of Superstition and Will-Worship in the sight of God.

4. Sir T. W. E. of S. amongst other Articles, for which he was Arraigned, Tryed, Sentenced and Executed at *London, May 12. 41.* this was one, that while Lord Deputy of *Ireland,* he did press an Oath commonly called the *Black-Oath,* upon the Leidges there, without any Act of Parliament. And amongst other Reasons, why the Convention of Estates in this Kingdom, did *Act. 13. April 11. 1689.* declare that King *James 7.* had Forefaulted his Right to the Throne of this Realm, this is one, *That he did impose Oaths contrary to Law:* And *ibid. p. 17. That imposing of Oaths without Authority of Parliament is contrary to Law:* Which should certainly awaken all Ministers to mind, what need they have in administering of Oaths, not to act without, much less directly contrare unto the Word of God, the great and only Law and Statute-Book, of the Kingdom of our Lord Jesus upon Earth, least one Day they meet with a sad Sentence, when before his Bar.

5. It was one of the great Grievances and crying Sins in the late Times, that Oaths in Matter and Form, unwarranted by, and sometimes directly contrare to the Scriptures were pressed with great violence upon Subjects. And therefore it will be found most unsuitable for any who did formerly groan under these Burthens, to prescribe or press any Oath, which cannot be clearly demonstrate to the conviction of the Consciences of all concerned, to be according to the Word of God.

6. Its looked upon as most unreasonable, by very famous Divines and Lawyers to press any Person, *Prodere seipsum, aut in ipsum, jurare vitam famam aut turpitudinem.* Hence the praetises of the Spanish Inquisition, Star-Chamber and Circuit-Courts in late times, as well as the Oath *ex Officio*, and *super Inquirendis*, in some Ecclesiastick Courts, have ever been rejected by all moderate Men. Hence *Aug. de Decol. Joan. Bapt. Hab. 22.*

Q 5. *Qui provocat hominem ad jurationem et scit illum juraturum falsum homicidam superat, homicida enim corpus occisurus est, ipse vero animam, imo duas animas, ejus, sc. quam jurare provocat, & suam.* And the many ways most Learned and famous Lawyer that ever Scotland bred. the late Lord President, doth in his Apology declare, *That he ever judged, that no Man was obliged to confess, that which is not other ways proven, against his Life and Fame.* Nay *Dioclesian* and *Maximilian* did discharge the pressing of Christians, or any else, to depone anent Matters laid to their Charge; and did order the Judges to proceed only upon Legal and Credible Evidence against them, *Smelt. fift. 10. p. 23.* This is also discharged by the Law of this Kingdom, *Act. 13. Par. 10. Jam. 6. An. 1585.* as also by that *Car. 1. c. 11.* which upon the account of this Oath did discharge the High Commission-Court. And *Stat. 13. Car. 2. c. 12. Naph. p. 215.* Nay the Convention of Estates in Scotland, *An. 1689. p. 14.* declare that the forcing of the Leidges, to depone against themselves in Capital Crimes, however the punishment be restricted, is contrare to Law. Yet did I ever judg it very lawful, expedient, and sometimes most necessary, for innocent Persons, unjustly reproached, solemnly to vindicate themselves in as full a manner as the Scriptures will allow.

7. Its a known Maxim in Discipline, That no Person is to purge themselves but upon pregnant presumptions of Guilt, which are *Meth. of Proceed. c. 2. f. 6. num. 8.* not the Testimony of any Woman, much less that of a Notorious and Judicially prevaricating Strumpet, violently and fraudulently elicit by her Examinators in absence of the accused Person, (as she declared to sundry) and this after she had most solemnly declared the contrare before the Sess. of T. P. of K. and at the Birth of her Bastard. But the Presumptions are frequenting of her Company, *solus*

cum sola, in suspecto loco, modo aut tempore, which must be proven against him by one or two Witnesses. None of all which can in the least be proven against me, notwithstanding of all the Oaths taken for that end by this R. P. but had been longere now fully proven against M. and D. with this Strumpet in Aug. and July 95. had not the P. sinfully palliate their Wickedness, by not pursuing, nay hindring them to be once cited.

8. What is alledged against me as Presumptions, depend intirely upon this Strumpets Assertions, and so, *stricto jure*, I might safely refuse to depone in any Terms; much less anent the Truth or Falshood, of these alledged Presumptions, which may be either true or false. And yet τὸ ἀποφαιδέν, undecided, whether I be the Father of that Brat, or ever had any such carnal Converse with E. D. *Quemadmodum vult Deum, semetipsum solum adorari, & invocari ita & jubet ut tantummodo per ipsum juretur Nomen.* Calv. Tract. var. part. 12. class. 2. p. 493. And to press me to depone anent the alledged Presumptions, is contrare to Num. 3. wherein the jealoused Adultress, by the Law of God, was only to depone anent *displed, or not*. Not one word of Presumptions, which fall to nothing upon the Denial upon Oath of the Crime libelled, *Et non multiplicanda sunt entia, & multo minus juramenta, sine necessitate.* Yea, according to this Practise there must be *presumptio pregnans-presumptionis, & sic in infinitum*. Since no Man is obliged to depone anent any particular, but upon pregnant Presumptions of Guilt. Moreover, *Complex Oaths* are ever looked upon as dangerous, like *Captio multiplicis interrogationis*, and was not a little gravaminous in the late Times; wherein when the Pannel could not be reached, for what he was first and chiefly indicted, he was pos'd upon Oath to answer to many other Questions.

9. As for the *Imprecations* made use of in this Formula, I never read of any, much less such strange *Imprecations* made use of in any Oath, if not in these, of some vile Atheistical Blasphemers. *Pareus in Rom. 11. Dub. 8. p. 882.* puts the Question, *An mala sibi vel aliis liceat imprecari?* And answers, *Negative*; proves his Opinion, and refutes the contrary by weighty Arguments. And p. 884. says expressly, *Temporalia, aut eterna mala, seu exitium nobis vel aliis imprecari, videtur simpliciter regula Christi esse contrarium eoque illicitum.* So says Ames. *Cas. Conf. dum de Juram. ex Officio.* Imo *Pasor Lex. p. 225.* says, *A Deum abhorret sibi ipsi malum imprecari. a charitate, alii cuicumque.* And citing the Heathenish Imprecations, *Disperiam Emoriar*, and others out of *Homer* and *Virgil*, adds, *Profana haec voca a nobis Christianis, qui Sp. Sancti; nos esse profitemur dispulor, longe abesse debent.* And *Anglin Mat. 5. 21.* *Omnam improbat imprecationem.*

precationem. Prophetæ autem per imprecationes in lege recitatas, quod futurum viderint prædixerint, ideoque & imprecationes non voto ex optantes, sed Spiritu prævidentis factæ sunt. Sylv. Flor. mag. p. 1402. Imprecationes in Scripturis usitate sacre a servis Dei, timende non vero imitanda sunt — Imprecationes omnes, a piis omnibus sunt evitandæ. Hinc & Mart. apud Pareum, ubi supra.

10. Omnes imprecationes ut illicitas improbat, nisi imprecantes singulari Dei aguntur spiritû. Hominem excorari seipsum magnum est peccatum, quod etiam in Petro damnatur. Rev. Bib. S. part. 1. p. 556. & p. 861. Hæbrei in formulis jurandi, solebant exprimere Conditionalem retinebant tamen mali Imprecationem. Et damnant illos, qui jurantes Diris sese devotent. Hinc & quidam improbant quod Junius in sua versione formis Imprecationum expresserit. Secus multo omnes interpretes. See Buxt. Thes. Gram. Ling. S. l. 2. c. 21. Wôlph. in Ruth. p. 127. Mald. in Math. 5. p. 132. Græci & Latini jurabant Deum, aut per Deum, Piscat. in Math. p. 129. Juvenc. Hist. Evang. l. 4. The Forth of swearing allowed in the Scriptures, is not in the Words of the new Formula, but in these, or such as these, which I have made use of; as is plain to all acquaint with the Word, or learned Men on this Head. Rev. p. 861. Athan. Apol. ad Const. p. 525. Tue pietati clara voce respondeo, manique extensa quod didici ab Apostolo, Deum in meam animam testor, restis sit mihi Dominus, &c. me nunquam in malum, &c. sub hac Formula nos Christiani jurare solemus. Idem & Laurent. in Jac 5. 12. p. 346. Formula illa 2 Cor. 1. 23. Rev. 10. 6. 1 Thess. 5. 27. si qua ulla est Verum, Formale, & perfectum juramentum. See him also, *ibid.* p. 348.

11. Famous Mr. J. W. Professor of Divinity in St. Andrews, purges himself of relinquishing his Covenanted Principles, by giving under his Hand, and declaring before God and the World the contrary; and closes with, I take God, Angels and Men to witness this Declaration. The Renowned Marq. of A. thinks it sufficient to purge himself of the worst of Crimes, The murder of the best of Kings, &c. to leave it under his Hand; As I go to make my Reckoning to my Judge, I am free of these Things — This is Truth as I shall answer — As I expect Salvation from God, from my Birth to my Scaffold, I am free, &c. So also my Lord W. Mr. J. G. and Mr. H. A. See Naph. p. 36, 286, 290, 293, 306, and 360. And in all the Oaths which I ever did administrate, I still used these or such Words: nay when A. G. offered to use such fearful Imprecations I suffered him not: and therein was unanimously approved by this R. P.

12. These Scriptures adduced for proving that this R. P. have power to prescribe and press such an Oath, answer not the end: That Num. 5. 22. is an Institution peculiar to the Jews, and unlawful now to be used. So Chrysost. in Mat. Hom. 17. & 8. ad Pop. Ant. Theophylact in Mat. p. 14.

Occum.

Occum. in *Jac.* p. 196. *Hieron.* tom. 9. p. 9. *Basil.* tom. 1. p. 228. *Eraf.* *Par.* in *Mash.* p. 33. And to restrict their Sentence unto This Oath, seems to be a better Apology for these Fathers, than that which is made either by *Mald.* or *Jans.* in *Mat.* p. 130. and 297. by *River.* in *Decal.* p. 113, 119. or by *Sixt. Sen. Bib. S.* p. 435. And thus they shall not be found Patronizers of the *Afsean*, *Manichean*, *Pelagian*, or *Anabaptistical Errors*, about Oaths in general, nor yet givers of ground to *Julian* to insult over them, *Quasi humane societatis tollerent vinculum.* So also *Ames.* *ubi supra.*

13. The Text it self favours this Exposition, since the Woman is to be brought to the Priest with an Offering in her Hand, she is to be presented in the Temple before the Sanhedrim, the Dust whereof is to be mixed with Water out of the Laver, &c. Nay the discovering Consequents of Innocence or Guilt, by immediate Conception or Death, not only plead that this Oath was peculiar to the Jews, but also that it was administered not to Men, in case of their Wives Jealousy, but to Women only; for which 20 years since I heard R. Mr. *A. H.* give these Reasons.

1. Women are ready to be Jealous without ground. 2. They are with greater Difficulty reclaimed, than Men, when ensnared in these Impieties. Neither, 3. Was there any Hazard of alienating Inheritances, by the Husbands, as there is manifestly by the Wives playing the Harlot. And were it in her Power yet should I be safe, since ever blessed be our God, my Dear Wife hath by his Grace, her unalterable Love and Kindness, been the great mean of my Support, Life and Comfort in all this sad Storm. But further, this Oath is wholly in desuetude amongst the Jews since the Destruction of their Temple.

14. *Corn. a Lap.* in *Pent.* p. 755. says, *Miraculosa, adulterii probatio sub Vet. Test. idque ad hoc, ne sc. Si factum quod suspicabantur, probare non potuissent zelotypi conjuges, uxores occiderent.* *Ainsworth*, and all other Divines that I know, assert from *ver. 14.* That the Husband had only Power to bring his Wife to this Trial: and so that altho she be thus truly guilty, while he was in Prison, or out of the Countrey, when he returned Home he might divorce her, but not cause her to drink, *Maim.* in *Sotab.* c. 1. f. 11. And when at Home he could not make her swear, unless he had before the Judges, and in the presence of two Witnesses, discharged her to converse with such a Man, and could thereafter prove before the Judges, that she had been alone with the same Man so long as she might be defiled, *Maim.* in *Minf.* tom. 2. and in *Sotab.* c. 1. f. 1. 8. Which upon the matter is maintained by this Church, *Meth. of Proceed.* c. 2. f. 6. n. 8. and 9. Yea, tho this had been proven, before the Judges by such Witnesses, yet if the Husband was not Jealous before, he might give her
a Bil',

a Bill, but could not make her drink, *Maim. in Sor. c. 1. sect. 11.* And if he can prove her being alone, &c. by one Witness only, he may put her away without Dowry, but could not make her to drink. See *Jarchi Solem. in Numb. 5.* See more to this purpose. *apud Chazkuni, in Numb. 5. Rab. Jonath. in Tharg. Maim. in Sor. c. 3. f. 3. 9. and c. 4. f. 12.* After whom *Ainsworth, in Numb. p. 33.* holdeth, that some Women might not drink, and that none were forced to drink, but such as were willing thus to purge themselves, were permitted. See further for this in *Maim. in Sor. cap. 3. sect. 21, 13. and c. 2. sect. 1, 2. and cap. 4. sect. 1. 18, 19.* See also what *Onkelos in loc.* says. Now,

15. Make my case the *Minor*, and the *Conclusion* will not be an Approbation of this *Formula*, nor what is said *Job 31. 9. 20.* For, 1. It may be justly jealousied that *Job* was in the wrong in that Imprecation, since tho God in his Sovereignty doth punish Sin with Sin; yet what Scripture will warrant that a Man may pray either conditionally or absolutely, that his Wife may be left of God to the vilest of Impieties, for the punishment of his Sin? 2. *Job's* wish is voluntary, and that of some Temporary Disgrace only to himself. *Er.* The P. of *D.* may prescribe and press an Oath which hath no vestige in Matter and Form, in the Scriptures, with Imprecations of Eternal Damnation, &c. over the Belly of Light and Conscience, rationally acquired from the practises of Jew and Gentile, Christian and Heathen? *Non sequitur.* And,

16. For *Psal. 7. 3.* its of the same Nature for proving of the designed Conclusion; for *David* was in the open Fields with a number of Armed Men: And therefore *Saul*, and his other Malicious Enemies might very readily alledge, he could not but have some bad Design against King and Government. And therefore he doth voluntarily vindicate himself, yet without the least shadow of countenancing or warranting the P. of *D.* to prescribe or press an Oath, with moe Hellish Imprecations (not of temporary (as *David*) but of everlasting Plagues and Judgments) than I believe the vilest Atheist, and most obdurate Blasphemer upon Earth, ever knit together at one time, or in any one Schedule. But, 3. Could they produce one Scripture wherein the Sanedrin, or Council of 23, did press *David* to purge himself of *Bathsheba*, before or after he had taken her to be his Wife, with an Oath interlined either with these Imprecations, *Psal. 7. 3.* or what are narrated in the *Formula*, they had said something. For otherwise their citing of this Scripture, is nothing but an ignorant wresting of the precious Word of God, to countenance their own malicious Inventions. Wherein,

17. They proceed in alledging, *Psal.* 137. 5. For, 1. I never heard before that *David* was at *Babel's* Streams, as they thence foolishly assert, but only the Captive Jews long after his days. 2. *Moller.* in *loc.* expones the place, *Non imprecatoris, sed comparativæ. Malignum manum meum oblivisci artis suæ, quam in hac re hostibus obtemperare. Et Malignum manum mihi exarescere, quam ad profananda carmina sacra, eam accommodare, &c.* Yea says, that to expound the Words by way of Imprecation, is inconsistent with the Original. See more in *Moller.* in *Psal.* 137. p. 1303. But, 3. Grant that the Words be Imprecatory, yet they are not thereunto pressed, by any Church Judicatory, contrare to their own rational and conscientious Aversion. And, 4. There is not the very least Parity, betwixt the Tongue cleaving to the Roof of a Man's Mouth, &c. and his being banished out of Heaven to Eternity. And,

18. As for *Moses* his wish, *Exod.* 32. 32. I have read many various Expositions and Applications thereof; but never heard it expound at this rate before, nor brought to countenance the Imposition of such Hellish Imprecations, as of Divine Warrant and Allowance. *Ainsl.* in *loc.* says, This is an imperfect Speech through Passion of Mind. 2. That therein he acted the part of a Mediator, and was indeed a Figure of Christ: who by his Death hath redeemed us from the Curse, *Gal.* 3. 13. 3. *Cajet. Jarchi,* and others, will have the Book here mentioned to be the Book of the Law; so as *Moses* desired, that if God would not pardon his People, &c. then his Name and Deeds might be therein no more recorded. Or, 4. That he might be deposed from the Office of Supreme Magistrate. Others, 5. *Uti & Turvet. vult hoc dictum esse ex impetu, humane affectionis, infirmitate, & impatientia.* Yea, 6. *Quod verba Moïsis non videntur referri, ad librum vitæ æternæ, sed præsentis, ut sensus sit, quod Moïsis citius mori vellet, quam totius populi, videri interitum.* And in this Sense doth he, with and after *Hieron. Euthym. Greg.* and others expound both this place, and that *Rom.* 9. 2. And so, 7. That in the like Prayers, we are not to notice, *aut facti possibilitatem multo minus futuritionem, aut voti reſtitutionem simpliciter, sed potius, Orantis, Zelum ardoremque heroicum & extraordinarium.* And so not one Word in this, or in any of the forecited Scriptures to justify the P. or S. their framing, imposing, and pressing of such an Oath, as is pressed upon me.

19. I mind that Mr. R. P. did boast, *Ang.* 26. 96. that he would frame such an Oath, as would make me either confess (a vile Lie) the alledged Crime, or damn my Soul eternally. I confess Inventors, Contrivers, and Pressers of new-coined Oaths, and Perversers of the Holy Word of God, to countenance such Abominations, cannot but in the Consciences
of

of all Men, be justly reckoned highly guilty of designing the Everlasting Ruin of others; but in the mean time, must also of necessity be constructed to be grievous Provokers of an Holy God, to damn their own Souls Eternally; for their presumptuous acting without Warrant from, nay ignorant perverting and wresting of his holy Law, to palliate and countenance their one Malicious and Superstitious Inventions in the Matters of his Worship. For I cannot but assert, that I verily think since God made Man upon Earth, there was never such an Oath seen, or heard told of; for Hellish Imprecations, and ignorantly perverted Scriptures: I thought once to have printed it to the World, but think it fitter to be buried in perpetual Darknes, than that to the stain and obloquy of all Religion it should be brought to further light. And,

20. I am sure you shall scarcely find a Scripture more Wier-drawn by any Pope, to countenance their Abominations than these mentioned in this *Formula* are. The Imaginary King at *Athens*, dreamed that all the Ships in the Road were his, and all the People in the Streets his Personal Attendance. So my R. Brethren dream that every Scripture, wherein there is an Imprecation, exalts them *tanquam ex tripode* to contrive and press whatever Imprecations their ignorant Malice can invent. Were this a justifiable practice, then I can assure them there are sundry imprecations made use of in Scripture, against Men of such practices as they are, that I am frequently tempted to make use of. Such as *Psal.* 31. 18. and 35. 4, 5, 6, 7, 8. &c. and 59. 1, 2, 3, 4, 5, 7, 12, 13, 14. and 69. 20, 22, 23. &c. *Lam.* 3. 55, 56. But having committed the Pleadings of the Causes of my Soul unto God, who hath said *Vengeance is mine and I'll repay*. I do intirely leave my Cause before his Bar, that he may in the way, manner, and time, which pleases himself, reckon with all my Ungrateful and Malicious, Bloody Oppressors.

21. *Qui me errare putaverit caveat ne fortean ipse errat, unum Scio quod si erro, probabiliter multum erro; quia non solus, sed cum multis & magnis autoribus approbatus, & cum multis & magnis rationibus saltem probabilibus, nec facile reprobandus.* Cl. Brad. de *Caus. Dei.* l. 3. c. 53. p. 872.

These Reasons being delivered to them, they refer the Matter to the R. S. April 13. 97. from which I desired a Recognition of my Cause, &c, being thereunto encouraged by some R. B. which is refused me, as if it were a new thing for this to be done; but they ordered some to answer my Scruples in writing: Then I found that they had recorded a publick Censure upon my Bill against Mr. W. E. &c. tho it was never once Synodically read, muchless tried. I told them that I thought it very strange that I who now am the eldest Minister of D. P. &c. should still meet

with such Treatment, from this R. S. with which if either the Law of God, or this Kingdom, or Acts of Gen. Assemb. had had any weight, then no Member present should be in my Circumstances; and therefore that they might excuse me to go where these should be heard, tho to their Disgrace; and protested for their hastning of their Answers to my Scruples, but could not obtain them, tho I instigate them thereunto by a Letter, *May 17. 97. till Aug. 31.* On which Day I received 5 or 6 Sheets of unsubscribed Nonsense; and am *Sept. 7.* publickly called at N. Church-door, tho not cited; and upon *Sept. 11.* receive a Citation to compare before them *Sept. 21.* and take their Oath *in terminis*, with Cerrification that they would proceed to excommunicate me if I did not; never regarding whether their Answers to my Scruples were satisfactory or not. And accordingly I appeared, and told them that they had given me many unjust Citations; and now at length I thought my self obliged to give them one. Which is as follows,

*A Solemn Warning and Citation given and judicially delivered,
unto the P. and S. of D. by Mr. H. C. Minister of the
Gospel at K.*

WHereas I Mr. H. C. (a Covenanted Servant to the Living God, from my Infancy, and Minister of the Gospel of our Lord Jesus Christ at K.) was suspended *Aug. 11. 96.* without Citation or Hearing, And so went on giving a short account of the Injuries done to me formerly mentioned. And then said,

By all which and many others of your illegal and unreasonable Methods towards me, the Law of God and Man, Civil and Sacred, in this and in other Kingdoms (which are the great Hedges of Religion, Property and Liberty, to Prince and Peasant) are manifestly trampled upon, to the great dishonour of God, sadning the Hearts of many truly Religious, exposing of the Government of this Church of *Scotland*, to be openly ridicul'd and mock'd by Adversaries, (as serving only to be a Tool for venting of Mens Passions; and effectuating of their malicious and most invidious Designs) the plain opening of a Door to all Oppression and Cruelty: For allow this manner of Process, and then I'm sure no Man shall be sure of Fortune. Life or Fame for 24 hours. And therefore,

I the said Mr. C. (out of zeal to the Glory of God, the promoting of Truth and Justice, the opposing and suppressing what in me lies of Injustice,

stice, Tyranny and Cruelty, according to the Power given me of the Lord Jesus, to warn the Righteous and the Wicked, whereof I cannot be deprived by any illegal Sentences; and out of a deep Sense of the solemn Obligations which lie upon me as a Minister, and Member of this Church and Nation, earnestly to contend for the Doctrine, Worship, Discipline and Government, as well as the Laws and Liberties therein established against all Intestine as well as Foraign Intrusions, Breaches and Usurpations made thereupon, under what Cloak soever they be carried on.) Do in the name, Authority and Bowels of our Lord Jesus Christ, request, intreat and obtest you, Mr. *W. V. W. E. R. P. A. K.* and *J. M.* with all the other Members of this P. and S. acting in, consenting unto, or conniving at the sad and cruel Breaches made upon both the Doctrine, Discipline, Worship and Government of this Church, and the Laudible Laws established within this Realm to my prejudice; to recognise, repent of, mourn over, and endeavour to redress the same as far as in you lies. And if not, then I the said Mr. *H. C.* do in the Name and Authority aforesaid, hereby warn, charge, and solemnly cite you the said Mr. *W. V. &c.* all and sundry, to compare and answer for all these your Impieties, Irregularities and barbarous Cruelties against me and mine, before the dreadful Tribunal of the fierce Justice. of that great and Holy God, who both by his perfect Law and blessed Example, hath discharged all Courts upon Earth to sentence any Person, unless *duly cited* and *fully convicted*; who hears the Cry of the Oppressed, and will not pardon the Guilt of innocent Blood; to whom its loathsome to pass Sentence, nay to hear an Accusation against a Minister, but at the mouth of two or three Witnesses, (and much more is it vile, loathsome and abominable, in the sight of this Just and Holy God, for a P. to press hundreds upon Oath to accuse their own Minister, whom they have with great Satisfaction heard and submitted unto for Nine Years; and who in the mean time had neither ground nor mind to accuse him) who hath commanded his People, only to swear by his Name, in Truth, Righteousness and Judgment; who abhorreth all false Oaths: Yea who will visit with Indignation, and swift Destruction, *The Iniquity of the Fathers, upon the Children to the Third and Fourth Generation*, who kyth their vile hatred of him, and his most holy Law, in inventing and pressing Oaths Unwarrantable, by or in adding unto, much more if in wresting of the Scriptures of Truth, to Countenance their Superstitious Contrivances, in the matter or manner, of any act of Divine Adoration. Which Solemn Citation and Warning I have of a long time been pressed out of Conscience to give; and this I now do, as in the presence of an Omniscient and Ever-living God, and of his

his holy Angels, and before the Stones and Timber of this House, under whose Roof I have many a time sweetly experienced, *How amiable his Tabernacles are.* Nay I hereby charge the Consciences of every Soul of you, Minister and Elder, and all else to whom these Presents may come, that ye bare Witness in the great and terrible Day of the Lord, that I and my Family are thus illegally and cruelly Oppressed, and also that I have thus freely warned, my once R. and D. Brethren, but now unjust and bloody and Oppressors, either to repent of, and endeavour to redress their ways towards me, or otherwise to compare before, and answer for the same at the fearful Tribunal of God's Sin-revenging Justice.

Which solemn Warning, and most deliberate Citation, I do for more Verification, Subscribe with my Hand, at *Drumfries*, this 21st of Sept. 97.

H. C.

Christus illis Mathæi verbis, Mat. 5. 39. A suis non exigit silemum quo malorum alatur improbitas & protervia — non prohibet quin de injuriis sibi factis querantur & coarguant impios, imo & ipsos ad Dei Tribunal citant. Hic Paulus ad Dei judicium provocat, ne sibi in sua tyrannide placeat Ananias. Sic Cl. Calv. in Act. 23. 3. pag. mihi 651.

Famous Mr. R. B. when unjustly sentenced and deposed, about sixty Years since, in the Church of *Bangor*, wherein he baptized my Father, did openly cite him, who intimate the said Sentence against him, to compare before the Tribunal of God's Justice to answer for the same. The poor Man deposing, said, *I appeal from that of his Justice, to the Throne of his Mercy.* Mr. B. answered, Sir, *your Appeal is rejected, because what ye do is over the Belly of Light and Conscience.* This poor Man when a dying, and then quarrelled for not speaking to a Physician sent to see him by the E. of M. said, *It's my Conscience Man, it's my Conscience Man, which neither ye nor all the World can cure, which troubles me:* And this chiefly on the account of what he had done and said to F. Mr. B. and what Mr. B. said to him, The first of this Passage you'll find in the *Falsifying of the Scriptures*, and the last of it I had from the Right Honourable the C. of M. who had it from her Doctors own Mouth.

Henry Bishop of *Mentz*, when unjustly deposed, appealed to the Righteous Judg; and what came of his Deposers, see *supra*, c. 7. p. 38. n. 16.

See *Brad. de Caus. Dei*, l. 1. p. 404. and others cited above, c. 10. p. 46, 47. and *Just. Inst. Com. Dionys.* l. 7. tit. 62. p. 661. *Cod. Quod contra jus geritur nullam habet firmitatem.* And I do hereby declare to the

World,

World, that I am fully perswaded, that, That Covenant graciously made, and Communion in Mercy begun, 35 Years since, betwixt God and my Soul in a Redeemer, and with all his Saints; shall not only, not be interrupted, but shall in the infinite Goodness and Wisdom of God, be promoted by the precipitant, unjust and malicious Sentences, of young and unexperienced, nay for most part shamefully illiterate Men, *Jer. 2. 23. and 32. 40. Hos. 2. 19, 20. Rom. 8. 28.* And,

*Souls once in Christ, that Morning-Star, lets fall
Such Influences on them, then, that all
God's Dispensations, sweet and sour,
Ripen their Souls for Glory ev'ry Hour.*

Polanus Synt. Theol. l. 7. c. 18. p. 1751. Excommunicatio Pont. est illegitima & ipso jure nulla, respectu excommunicantis, quia est capitalis ecclesie hostis, quod restantur, inquisitio Hispanica, laniena exercita, machinationes contra Evangelicos, consultationes cum Reformatorum hostibus, condemnationes ab ipsa publicata contra reformatos inauditos aut legaliter convictos; quia Pontifex peculiariter in causa & lacrum sperat, & damnum metuit, quia falsa nittitur causa, sc. propter sincerum Dei cultum, & crimina evangelicia, calumnieose impacta.

And to apply these to our present purpose, if this R. P. shall proceed to excommunicate me, this their unjust Sentence may make a Noise amongst an ignorant Mob, but will make a much lowder Cry for Vengeance in the Ears of an Holy God, upon them who shall unjustly pass and pronounce the same; since either so many sharp Arrows must be plucked out of the Protestant Quiver, against Popish Excommunication (which all Men of Conscience and Honesty will be very loath to do) or this Sentence will and must be accounted void and null, *in se ab initio*, in the sight of God and Man. Since, 1. The Party menacing the same, have in the view of the World declared themselves my Capital Enemies, by their new Spanish Inquisitions erected against me at D. and K. by their bloody, inhuman and Barbarous Cruelties against my Godly Wife and Babies; by their Malicious pressing the Magistrate to secure me in Prison, *Aug. 26. 96.* when they knew I was scarce recover'd out of a dangerous Fit of Sickness; by their base, opprobrious, most unchristian, and altogether unmannerly Speeches, vented judicially against me; and the vile Lies and Calumnies made, raised, and spread industriously by sundry of them to my prejudice in all their private Tattle; by their combining with my most unjust Oppressors and Calumniators, tho to their certain knowledg most scandalous, judicially lying and prevaricating Wretches,

Wretches, *Craik, Clark, Dickson's, &c.* by their publishing to the World their unjust Sentences past against me *united and unheard*, and not legally convict when heard; by admitting my vile Reproachers, and others from whom I had too just ground to appeal, and who were publicly censured, and sharply rebuked for their former injustice to me, to judge in my Cause; by their proceeding once and again in their illegal Courses, after I had appealed from them; by their passing, or conniving at Mr. *M.* (a notorious Dissembler, *Psal.* 55. 21.) his registering in their Synod-Book, a Sentence against my Bill, before ever it be Sinodically read; by your not pursuing, nay what in you lies protecting *M.* and *D.* to the affixing of their Guilt upon me; by your pressing most Scandalous and Malicious Persons to accuse me, and then admitting them to depone anent the Truth of their own Subscribed Accusations; and in the mean time rejecting a Letter from the Patron of the Parish, and Lady *C.* and the Testimonies of Hundreds of honest People, who have both publicly and privately opposed, and testified against your Cruelty and Injustice; by your endeavouring by Word or Write to stir up the Mob to spoil my Goods, nay writing to the Patron to lift up my Stipends, after ye knew I had, according to the Law of the Kingdom, obtained Decrees therefore, from the Judges Ordinary. All the Country now know who strives to make gain of Vacancies, nay who gapes so greedily after Vacant Stipends, that he is forced this Year to disgorge what he too hastily swallowed down the last. And finding that I have begun to raise and execute Letters against some, who at your Instigation threatn'd to injure me; you fear that in end you shall also be made to smart for your own Injustice. And finding that upon two Acts of Parliament, and many others adducible, I have protested and taken Instruments against any Man's entering upon my Labours in this Parish, or intrometting with the Benefice thereof. You design to do all that Malice and Injustice can prompt you unto, that ye may weaken my Title; tho the moe unjust Sentences, the better for me, and worse for you before an Impartial Judge. Since tho by your illegal Sentences, for Orders sake, I forbear publick preaching, yet cannot legally be deprived of my Office or Benefice, till these Acts of Parliament, *Act.* 87. *Parl.* 6. *Jam.* 1. *Act.* 132. *Parl.* 8. *Jam.* 6. and *Act.* 164. *Parl.* 13. *Jam.* 6. *Act.* 25. *Parl.* 1. *Sess.* 1. *Car.* 2. be rescinded, nay till the Claim of Right be overturned. And,

Lastly, If I shall be thus Sentenced for refusing their Antiscriptural Oath, It shall be *propter defensionem sinceri Dei cultus*, for maintaining that no Man or Judicatory have power to prescribe, press, or take any Oath which

which is not in Matter and Form warranted by the Word of God ; and for refusing that which I have convincingly proven hath neither vantage nor warrant in the Old or New Testament, as explained and practised by the Church of the Jews, or Gentiles, in Primitive or After-times : nay which cannot be prescribed, pressed, or taken, without dreadful and shameless Reflections upon the Laws and Civil Courts of this Nation (which in Oaths of Purgation, in the most important Affairs never prescribed, allowed, or administered any Oath after this new Superstitious Form) and upon the Claim of Right, which declares that the imposing of Oaths without Authority of Parliament is contrary to Law : and that King James by so doing; and other such illegal Acts, as they also are guilty of toward me, did Forefault his Right to Crown and Throne. Nay this Oath doth openly rub Affronts indelible, upon sundry of the most Honourable, Learned and Holy Men which ever Scotland bred, who have thought it sufficient Purgation, from grosser Crimes than any charged upon me, to assert their Innocence in the Terms which I make use of (without ever regarding this new Form) and wherein at the appointment and to the satisfaction of this P. I have frequently administered such an Oath unto others ; which Oath who ever reads it cannot but be convinced, if they have any Christian Charity, that what I am maliciously accused of is a vile Calumny.

And therefore, I do hereby again warn my unjust oppressing Judges, to consider what they have done, to repent and redress ; or assure themselves that a Just and Holy God, nay their own Consciences shall ere long find them out, and then they shall find that their feigned Pretences shall stand them in no stead ; for even Hell and Destruction, and much more the Hearts and Practises of Bloody and Deceitful Men are naked and open before him, with whom they have to do ; and who will in end sweep away the Refuge of Lies : Nay it may be that within a short time their Consciences shall cry out, with a Soul-amazing Noise, *Verily we are guilty before God for our unjust Sentences against our Brother, and for our Barbarous and Bloody Cruelties impudently acted against his Godly Wife and innocent Babes.*

Notwithstanding all which, I do heartily pray (if it be God's Will) that nothing may ever tryst any of you worse than Fatherly Correction, Repentance and Salvation ; and this with as great earnest as I pray for these Blessings to my self : since having committed my Cause to a most Gracious and Merciful God, I desire to aim at Charity to all Men ; so as I can cordially pray even for them who dispitefully use me : Thus saith

he who altho much oppressed by, yet for the Redeemer, and the Gospel's sake, is an Orator at the Throne of Grace for you,

H.C.

*Nuper eram iudex, jam iudicius ante Tribunal,
Subsistens paveo, iudicor ipse modo.*

If an Holy Heart-searching God judg you as ye have judged me, you shall find fearful Work one Day,

P O S T - S C R I P T.

IT's excellently said by the very Learned, and many ways truly Famous, the late Lord President, in his Apology, *That we not only may, but must defend our Lives and Fame, against all Invasions made thereupon.* Aug. Says, *duo omnibus necessaria fides & fama.* Calv. in Senec. de Clem. p. 36. says, *Non diluere objecta & accusationem silentio accipere consentis est.* Tho I do declare that could I weep with Tears of Blood, I could not fully represent my Grief for being thus necessitate to defend my Fame, and that against them, who in Justice, Gratitude and Interest were obliged to defend it themselves. I shall not now mention what truly set Diotrophes, &c. First against me, tho once I designed it.

2. I plead not against, but for the Power of P's and S's when exerced according to the Word or our known Principles; it being against the Vices of some, and ignorant Simplicity of others in the Government, and not the Government it self which I argue. *Giles. Eng. Pop. Cer. p. 3. s. 7. p. 180.* says well, No Mans Vote should have greater weight than his Reasons, and Probations. *Non numeranda sed pensanda sunt suffragia*, said Aug. But,

3. They'l quarrel some sharp words in my Book: To this. 1. It's hard in my case to abstain from some excess. 2. When they gave better Matter they ever got better Words, and *Isa. 5. 20. 3.* If it trouble them to hear the Words without which their way cannot be exprest, then how much more troublesome for me to bear their Deeds? and how much more weighty in end will it be for them to bear the Vengeance which their injustice and bloody Cruelties are crying to Heaven for, *Quod facient*

ciunt enses cum te levis aur a cruentat ; The Rod and Sword of God pursuing Men for Cruelties have another edg then the Words of Angels or Men. *Abstine convitiandi affectum*. & ita non stultitiam modo in fratribus notare, sed & illorum scelera, quum opus fuerit ; lineabit suis exprimere nominibus, *Calv. in Actis 23. 2, 3.* See also *Sacer. in loc.*

4. *Bern. in Cant. c. 1.* says, Malice rides in a Chariot of 4 Wheels drawn by two Horses, *Ad omnem paratissimis perniciam*, &c. None but Men drawn in such a Chariot could ever been guilty of the precipitant Cruelties which I have met with. It was once and ever the way of D. P. and S. to live in Love and Peace till an unhappy Salamander was with much cost and pains, brought in to trouble the Waters of our Sanctuary, not for Healing but Destruction. I cannot but say of our Actings Presbytrial and Synodical, antecedent to my admitting of him, as *Myconius* said of himself and his Colleagues, *Concurrimus, laboravimus, certavimus, viximus & vicimus, semper conjunctissime.*

5. It might been thought that my insolent Persuers, might either been afraid or ashamed to treat me as they have done, who ventur'd my Life and Liberty to preach the Gospel in this Corner, when they minded no such thing; and for these nine Years past have had no small share of the weightiest Work of this P. and S. but Malice, Ignorance and Envy stop at nothing. See *Basil. oper. tom. 1. p. 359.* and *Chrysost. oper. tom. 2. p. 250.* yet shall Envy slay the Soul that harbours it. *Aug. tom. 10. p. 772.* *Invidiæ instar viperæ natura est, illam ipsam animam a qua concepta est, consumit & perdit.* See *Duplef. Confid. Vit. p. 22.* Yet even *Calv. Melanct.* and *Wall.* were not safe, but sadly smarted by invidious Men. See *Baxter's Key for Catholics*, p. 192. and 196. of *Calvin*, who also says of himself, *Tract. var. p. 113.* *Nulla sunt mendaciorum portenta, quæ in me, blasphemare, non sunt ausi.* *Melanct. Epist. ad Albert. Jan. 12. 1560.* says, *I have looked these twenty Years for banishment from my Brethren. I wish I could take Calvin's advice to him in his Letter, Mar. 1555.* or what *Calvin* resolves upon in his own particular Case, *Tract. var. part. 2. p. 974.* *undaupied Christian Patience.* *Wal.* his Case comes very near mine; see his *Epist. to Gomar, Anno 1601. Op. tom. p. 366.* *Hoc agi video ut hinc a fratribus intruder, &c.* Nay their Injustice to him provoked him to resolve upon forsaking the study of Theology and follow that of Physick (tho *Melanct.* Resolution, narrated by *Hornb. Sum. Com. p. 653.* pleases me better) yet afterwards is he advanced to be Professor *primarius & rector magnificus* of *Lyden.* *Themistocles* banished from his Native soil, became great in the Court of Egypt, and so said, *I had perished, if I had not perished.*

6. And whatever my Gracious God do with me, he will not, he cannot do me wrong, *Rom.* 8. 28. 1 *Pet.* 3. 13. *Phil.* 1. 12. *Psal.* 119. 67. 75. 71. I was once carried up on the Wings of Fame, as much as others; and its like, foolishly valued it too much, not considering the Vanity and Uncertainty thereof; well expressed by *Ofor. op. tom.* 3. p. 133. and by *Wolph.* in *Jud.* p. 95. Tho I must say I have ever naturally inclined to an obscure retired Life, neither have I much affected to appear great in the World. I like well *Florus* his Verses on this Subject, in *Dialog.* p. 24. *Claud.* in *Ruffin.* lib. 2. *Baily Cron.* l. 2. p. 105. and declare to the World that I have sometimes found more solid content, in a retired Shade, than ever *Cesar* or *Alexander* did in all their Triumphs. So also said *Diocles.* and *Car.* 5. See *Duplef. Consid. Vtt. &c.* p. 28. Yet even the Grave is not an impregnable Shade against a Calumniator's Tongue. See *Moller.* in *Psal.* p. 1204. *Laurent.* in *Jac.* p. 214, 216, and 220. and *Petrarch* in *Dial.* says, *Redeat in Greciam Plato, &c.* Yet is there a Cure for this Sore, which is excellently expressed by *Ofor. tom.* 3. p. 422. *Nullum genus est calamitatis, nulla doloris acerbitas, &c. i. e.* God's Bounty and Kindness laid hold on by Faith in a Redeemer, by constant Prayer, is the way to relief under all distresses, *Psal.* 50. 15. and 116. 2, 3, 4. *Phil.* 3. 6, 7. Yet,

7. I explain not Latin for most, because this Peice is chiefly designed for them who understand that Language. I print not Names at full length, out of respect to some, yet out of just contempt of others, whose vileness is such, that I think it too much that the very first Letters thereof should stain my Paper. See *Beza of Bald. Prefat.* in *N. T.*

I thought once on some short Answer to the unsubscribed Papers sent me by the P. of D. but I forbear till I know their Authors; who in the end thereof desire me not to impute the Errors therein to the R. S. but to whom them? to the Pipers good-Son? or to our new Problematick Divine, who never yet had another Principle, but to sail and dissemble with every Wind and Time?

I am Slandred by Mr. P. as being against his Transportation, to D. because I would have been there my self. This is like the rest of his vile Lies, maliciously made and vented against me which I designed at some length to have now answered; but I only say for present That I never thought it very proper to transport any young Man to a publick Post, till he had got some stock both of Reading and Experience; much less to that Place where his Wife (an insolently proud, notorious lying Slanderer) her Father and Grandfather were Town-Pipers: Let him preach and live like an Angel, the Sound of the Drone Pipe will be heard on every turn. Of his way with *M. Tate* elsewhere. I

I thought once to have given an account of 16 or 17 remarkable strokes, from God, which have within this Twelvemonth come upon the chief of my Accusers and Oppressors, wherein their Sins against me are clearly written upon their Judgment; but I now forbear, being fully persuaded that I shall not want sundry as observable Additionals ere long, which yet I pray God may (if it be his Will) prevent; by giving them Repentance and Mercy. I also design'd to let the World see, I am not the only Oppressed Man in that Corner; the Injustice and Cruelties done to and with a high Hand perpretate upon Mr. J. H. Mr. H. M. Mr. G. B. Mr. J. F. Mr. Nelson, the People of *Dunscore*, &c. will possibly be done by another Hand, or by my self elsewhere at another time; who am necessitate to forbear for present the one half of my written Animadversions upon their unjust and cruel Actings against my self.

They possibly, like *Anth. Carib. apud Calv. Tract. var. p. 444.* dream, *Quod laudis affectu sunt palmam, dum quascunque cadere possunt in me calumnias, aut ipsi in aures suggeruntur, temere eruant;* yea thereupon sentence me: yet I am sure in end this shall not be to their Peace or Honour; and if they shall answer what is here narrated with solid Arguments, they shall Captivate me; but if with further Lies and Cruelties, I say to them as *Calv. ibid. p. 448.* says to *Anth. Quod si porrexeris, impudencia & futili mendacio, me adoriri illum & similes, secure spernam, &c.* I hope by the Grace, Mercy, and immense Goodness of my ever gracious God, to be helped to spend my Time and Strength in writing upon more Excellent Subjects, than in confuting of lying Calumnies, unjust Sentences, and bloody Cruelties, by which through their ungrateful Malice I have been sadly diverted, from my designed and much delighted in Studies for these sundry Months past. Neither could Satan ever have raised up fitter Instruments, for rendring the Gifts and Graces of God, Mercifully given me, useles to the present and posterior Generations, than my R. Brethren who were principally obliged to give me the utmost assistance therein: yet it is most easy for a gracious God, and infinitely wise Lord, to make such impiously cruel Practises promote the Honour, Prosperity, and greater Usefulness of his Oppressed Ones even in this present World, *Phil. 1. 12, 13.* and here I only add that my Oppressors their Eyes and Heads seem to be so blinded and plagued with Beams and peccant Humours, as that they can see nothing in and about themselves (how discernable soever, and notour to that whole Country side) yet vainly dream that the Nose on another Man's Face is a Mountain. Which puts me in mind of what *Gual. says, in Job. 2. Hom. 8. fol. 57. Tenebricoso odii affectu adeo excacantur quidam, ut in aliorum infortuniis, suam repositam esse pu-*

tant felicitatem, nec se felices fieri posse credunt, nisi alios antea infelices viderint: Quæ causa est, ut ad mendaciam, fraudes, calumnias, &c. confugiunt ac hisce fratribus nocere student ut hisce oppressis, ipsi magni & præclari fiant: sed hi porius exardescentem Dei iram in semetipsos provocant.

Extrema est Misericordia, hominem non in propriis bonis; sed in aliarum infortuniis suum statuere solatium. Sic Naziaz. apud Cl. Daven. in Coloss. 3. 8. p. 293. Psal. 64. 3, 4, 5, 6, 7, 8, 9. Hinc & optime cacinis, Jac. Bib. in Amb. Sac. apud Silv. p. 1505.

Ob tua quam graviter plecteris crimina tandem.

Invide! cum bona te nunc aliena premant?

O miserum! cujus dolor est aliena voluptas!

Quoq; alius gaudet, ringeris ipse bono!

Vulneribus, quamam arte, tuis afferre medellam

Quis valeat, cum tu vulnera testâ geras?

Sit licet injustus livor, nil justius illo est,

Undeq; premens alios, opprimit ante patrem.

Yet I am perswaded, that he who is under the believing and fixed Impression of the Being and Faithfulness of God, and that really he is the hearer of Prayer, according to Psal. 50. 15. and 40. 1, 2. and 116. 1, 2, 3. needs not be solicitous with what Face the World looks upon him; nay should indeed think himself, high above both the Smiles and the Frowns of the whole Creation: for then not only is his everlasting Blessedness secured, but even his Temporary Concerns, are so graciously fixed, as Weal and Woe, Prosperity and Adversity, shall be most powerfully and wisely overruled, for his everlasting Comfort, 1 Cor. 13. ult. Rom. 8. 28, 32. So that he may believingly sing to the Glory of God, and say,

My Life and Light, Defence, yea and my All

Are in thine plac'd, who is Perpetual.

So that altho I be inclos'd with Crosses,

To train me up for Christ, I'll dread no Losses:

Rather I will be glad, yea sing for joy,

In bearing of his Badg, what can annoy,

Souls born to him, and bred by him to be

Rich Heirs of Grace, to all Eternity

Especially then blind World that thou hast

So gain'd thy point, as to have throughly possess.

This bold, and strongly Heaven-aspiring Spirit
Held up in me, by Divine Grace and Might.

Ere ever time or thou began to move.

Rich was my Portion, in my Head and Love,

Such is my Lord to me.

Encounter then my Soul with Chearfulness

What Future Storms may blow on thy fair Face,

All such I know my Lord hath quaffed for me

Ride o're them then, in Triumph sure shall I.

Through him, to whom I'll firmly cleave

Even in the Fire and Water, he'll not leave,

Who is a Rock to me.

You must also excuse me to add,

Qui tibi bella movet Hugo Charissime non te

Ladit; at ipse suum trajicit ense caput.

Calce ferit stimulum, nam se miser ipse eruentat:

Quaque putat stimulo, se dare damna capit.

Atque eadem patiuntur, qua rupi allisa procella

Alluitur rupea: frangitur unda minax

F I N I S.

THE Printer hath truly taken such accurate Pains, as that there are but very few *Errata*, but what may easily be mended by the Pen of the knowing Reader; being for most the want of Points, a Letter or two here and there, or the putting of one Letter for another: as Pag. 9. lin. 1. under for under. P. 11. *admiss* for *admiss*. P. 12. Rom. 8. 2. 8. for 8. 28. P. 19. 1. 9. r. with for what. P. 24. Num. 16. for *cum* r. *cum*. Add to Num. 16. P. 35. from Aug.

Quisquis amat dictis absentem, rodere amicum,

Hanc mensam veritam, nocere esse sibi.

P. 46. num. 7. l. 3. r. *est* for *is*. P. 58. l. 1. after against me, add and therefor never once judicially questioned for any of those, by the S. or P. of D. but shall not escape the Righteous Judgments of God. For my part P. 63. add to the end of num. 10. the Words of *Lament.* in Jer. 2. 345. *Deu.* Deut. 6. 13. *ipsam formulam secundum quam nos jurare sole precipit & preferibis (n.) per Nomen suum.*

Decemb. 17. 96. They pretend to sentence me for seeking redress of, and protection from, Injuries; according to the Laws and constant practices in Scotland, not minding Luk. 12. 14. *Ita damnatur Papa & suorum latrocinium qui cum Ecclesia se esse pastores obtundunt, Terrenam tamen invadere ausi sunt Jurisdictionem, Calv. in loc. Res in Synodo tractanda sunt Ecclesiastica, non seculares Apollon. de jure Mag. p. 219. Sic etiam Anselm. Canon Apost. secundum Clem. Nicol. Papa erat dictum eos qui sub evangelio Reges sunt, & sacerdotes Diaboli esse membra.* The Councils of Carth. 1. & 4. and also of Chalcedon. and Alogunt. ordain'd Ministers who meddle with secular Affairs in their Ecclesiastick Courts to be deposed.



